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CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

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July 31, 1985

To: Land Use Committee

Subject: Railway Lands Part II: Report on Motions Adopted by Council at its Meeting of June 17 and 21

Origin: Commissioner of Planning and Development (c71luc85442:81)

Comments:

1. Background and Purpose of this Report

At its meeting of June 17 and 21, 1985, City Council had before it Clause No. 1 of Land Use Committee Report No. 15 dealing with the Railway Lands Part II: Proposals and Railway Lands Part II: Implementation Strategy reports. During consideration of this clause, Council adopted the motions contained in Appendix 1 to this report.

In my report of July 8, 1985, entitled Final Report on the Railway Lands Part II Official Plan and Zoning By-law, I recommended that the introduction into Council of bills giving effect to the Railway Lands Part II Plan and Zoning By-law included in that report not be authorized by your Committee unless it had received and acted on two additional reports, one dealing with the motions adopted by Council on June 17 and 21, and the other on a Memorandum of Conditions respecting the redevelopment of the Railway Lands. This report responds to the motions adopted by Council and an accompanying report deals with the Memorandum of Conditions.

This report recommends a series of revisions to the Part II Official Plan included in Appendix 1 of my July 8th Final Report, (as amended by technical revisions recommended in my July 22nd report entitled Supplementary Report on Railway Lands Part II Plan), and to the Railway Lands Zoning By-law included in Appendix 2 of my July 8th Final Report. These revisions can be grouped into three categories.

The first category is made up of technicial changes which correct typographical errors and, in some instances, clarify the wording or improve the format of the proposed by-laws. These revisions are essentially "housekeeping" matters and require no discussion.

The second category includes relatively minor substantive revisions recommended as the result of further consideration in

consultation with the City's Special Counsel and other civic officials. These revisions, which are discussed in Sections 3 and 4 of this report, would be recommended in any event, even if Council had not adopted the motions included in Appendix 1 to this report. These revisions do not vary the intent or meaning of the Part II Plan and Zoning By-law contained in Appendices 1 and 2 in the July 8th Final Report.

The third category contains substantive revisions recommended as the result of my consideration of the matters dealt with in Council's motions and following my negotiations with CN Real Estate and Marathon Realty. These revisions are discussed in Section 2.1 of this report, and are identified with an asterisk (*) in Appendices 2 and 3 of this report. As noted in Section 2.1 and in Appendices 2 and 3, these revisions have not been agreed to by CN and Marathon.

I should say at the outset that while we did not reach agreement on many of the items we discussed with the railways over the past three weeks, the discussions we had were extensive and frank. The railways have undertaken considerable work in assessing how they could respond to each of the areas discussed. In the end, they were unable to offer a formal response.

My response to Council's motions of June 17 and 21 has also resulted in the inclusion of certain provisions in the Memorandum of Conditions which is recommended in an accompanying report. These particular provisions of the Memorandum of Conditions are also discussed in this report because of their origin in the Council request cited above.

2. Motions Adopted By Council At Its Meeting of June 17 and 21

The motions adopted by Council are, in certain instances, inter-related. In particular, both Motion No. 4, which deals with the objective of ensuring that residential development, including assisted housing, actually occurs, and the motions of Alderman Hope and Alderman Kanter respecting the regulation of development potential which have been referred to me by Council's adoption of Motion No. 9, are closely related to Motion No. 2, which calls for negotiations with the railways respecting non-residential density and increased amenities. Because of these inter-relationships I have not commented on each motion separately, but have dealt with them under more general headings.

In addition Motions 1, 3(a), 6, 7, and 8 are not addressed in this report.

Motion No. 1 calls for the prohibition of surface parking lots on lands being held for development in the Railway Lands, and directs

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that the Railway Lands not be exempt from quinquennial reviews. Both of these matters were dealt with in the July 8th Final Report. In particular, the Zoning By-law included in Appendix 2 of that report does not include parking lots as a permitted use, and the Part II Plan included in Appendix 1 does not exempt the Railway Lands from the quinquennial review provisions of the Part I Plan. In fact, the Part II Plan goes beyond the Part I provisions by requiring that the entirety of the Railway Lands be included in quinquennial reviews. (See Section 2.6 of the Part II Plan, and the discussion of the issue in Section 5.1 of the July 8th Final Report).

Motion No. 3(a), which requests a report on "the desirability of establishing a Task Force to consider alternatives for reducing the barrier effect of the Gardiner Expressway", will be dealt with in a forthcoming separate report.

Motions 6 and 7 call for reports from the Commissioner of Housing, which he will be submitting separately. (He will also be commenting on Motion No. 4.)

Motion 8 instructs that previously requested reports on a revised analysis of costs and benefits and, from the Commissioner of Property, on the value of City lands in the Railway Lands, be expedited. These reports will be submitted separately to your Committee as expeditiously as possible.

2.1 Request that Reduction in Density or Additional Amenities Be Negotiated

Motion No. 2 requests that I "negotiate a reduction in the non-residential density permitted in the Railway Lands by approximately 300 000 square metres, or in the alternative the provision of significant public amenities, for example provision of assisted housing, restoration of the roundhouse as a railway museum, etc."

In responding to this request, and taking into account both Motion No. 4 and the motions of Alderman Kanter and Alderman Hope referred to me by Motion No. 9, I presented the railways with a broadly based set of ways of responding to Council's motions. These are listed below. In the past three weeks we have discussed most of them at length.

(a) additional regulatory provisions, beyond those already included in the Part II Plan, respecting the relationship between the release of development rights for office space and the capacity of the existing and committed transportation system;

(b) conversion, on appropriate sites, of non-residential to residential development potential;

(c) the early implementation of the Central Park included in the Part II Plan, the Simcoe Street extension, and The Esplanade West between John Street and the Simcoe Street extension;

(d) implementation of the proposed CP roundhouse museum;

(e) an increased railway contribution to, and early implementation of, housing on the sites to be conveyed to the City;

(f) the future of the Belt Line;

(g) the use of some portion of the stadium building for public exhibition space such as, for example, a civic museum; and

(h) the provision of art in the Railway Lands.

2.1.1 Non-Residential Density and Transportation Capacity

It is clear from the concerns expressed in numerous meetings of both the Land Use Committee and Council regarding the Railway Lands that the proposal for a reduction in non-residential density is closely tied to the issue of transportation. In particular, this proposal is related to reservations about the ability of the transportation system serving the Central Area to accommodate the long-term development potential of the Railway Lands, even with the addition of certain recommended transportation improvements discussed in my previous reports on both the Railway Lands and Metro's Central Waterfront Transportation Study.

In view of this fact, I proposed to CN and Marathon, in response to Motion No. 2, that an additional provision be added to the Part II Plan to ensure that some substantial portion of the non-residential development rights inherent in the Part II Plan not be released until Council was satisfied , on the basis of a review additional to the quinquennial review, that the existing and committed transportation system was capable of accommodating this potential. Such a provision would ensure that a substantial portion of the non-residential rights would be essentially "locked up" until a review, at some point in the future, determined that this "locked-up" potential could be accommodated by the transportation capacity existing and committed at the time of the review. Two types of provisions and a number of review limits were discussed.

One type of provision relied upon an agreement by CN and Marathon not to apply for building permits beyond a certain level of non-residential density. The other type of provision relied upon the

inclusion in the Part II Plan of a statement along the lines that Council would not enact by-laws to remove Holding Symbols from precincts until the review was completed and Council was assured that the development/transportation "fit" was appropriate.

In terms of the specific review limits, several numbers were discussed. A review at 5.8 million square feet of office space, would tie the Part II Plan to existing Part I policies. It would also address concerns raised in the June, 1985 Metro Planning Department report on the Part II Proposals and Implementation Strategy reports. (See Item No. 4 in Appendix 3 of my July 8th Final Report.)

A review at 7.4 million square feet of office space would combine the 5.8 million square feet contemplated for the area east of John Street in the Part I Plan with the 1.6 million square feet of office space allocated by the proposed Part II Plan to the Stadium Precinct west of John Street.

A review at 9,000,000 million square feet of non-residential floor space would essentially "lock up" the approximately 3.2 million square feet (300 000 square metres) contained in Council's second motion of June 17 and 21.

CN and Marathon discussed these possible provisions up to a point, but they refused to make either a formal response to my proposals or a formal alternative proposal of their own. They are clearly opposed, however, to a direct reduction in their development potential.

In advising Council how to proceed on this matter, I would note that Section 2.6 of the proposed Part II requires that the entirety of the Railway Lands be included in the City's 5-year (quinquennial) reviews of office employment and transportation capacity. As noted in Section 5.1 of my July 8th Final Report, the inclusion of the entirety of the Railway Lands in these quinquennial reviews will ensure that the impact of Railway Lands office development on the Central Area transportation system will be monitored on a regular basis. I should note that the railways have always expressed grave reservations about this approach and, at this point in time, have still not formally agreed to it.

In addition, as noted in both my June 12th report Railway Lands Part II Proposals and Implementation Strategy. Comments on motions placed by Members of Council and my March 18th Proposals report, the proposed Part II Plan includes provisions intended to ensure that the Holding Symbol is not removed from any precinct until it is established that development in the precinct will be adequately served by transportation facilities.

However, should Council decide that it wishes to add an additional provision which "locks up" or holds in reserve until specified conditions are met some portion of the non-residential development potential contained in the Part II Plan, I would be able to defend such a provision as a cautious extra check on the development potential/transportation capacity "fit".

However, I would advise Council that, should such a provision be added to the Part II Plan, it should not be structured so as to require an agreement not to apply for building permits beyond a certain point. Instead, I would advise that it be structured as an additional Part II Plan requirement for the removal of the Holding Symbol once an identified amount of development potential has been released. Setting aside the issue of the appropriate number, Alderman Kanter's Motion No. 1(a) is structured in this way.

2.1.2 Conversion of Non-residential to Residential Development Potential

The concerns expressed to date over the non-residential densities permitted in the Part II Plan are also related to concerns about the amount of housing the Part II is likely to generate.

In this regard, I am satisfied that implementation of the Part II Plan as recommended in my July 8th Final Report will result in an appropriate and substantial amount of new housing. In addition, my estimate of this amount (approximately 5,000 units of which about 1,600 are to be developed by the City on lands provided by CN and Marathon) is based on conservative assumptions. For example, the estimate assumes that in all mixed use areas the non-residential potential will be maximized. The Part II Plan and Zoning By-law allow, however, for considerably more housing potential should the non-residential density not be maximized. In addition, I have not included in this estimate any housing potential remaining in the Financial District after the non-residential potential is maximized. The development of this additional housing potential could also increase the estimated aggregate amount of housing.

Notwithstanding these considerations, I identified two sites where the Part II Plan and Zoning By-law contained in the July 8th Final Report permit the maximum development potential to be developed exclusively for non-residential uses, and I proposed to CN and Marathon that the designations on these two sites be changed to create development potential which could be used for residential uses only. The two blocks in question are South Downtown High Density Mixed Commercial-Residential Area C, which is now designated for 7.8 x non-residential, of which no more than 5.7 x can be office; and Spadina Sub-centre Special Mixed Use Area D,

which is now designated for 7.8 x non-residential, with the typical .3x street related retail requirement.

My proposal with respect to the South Downtown block was to reduce the maximum non-residential potential to 4.5 x, thus converting 3.3x non-residential density (approximately 359,000 square feet) to 330 units per hectare (132 units per acre) of residential development potential (approximately 330 units). The resulting zoning designation - CRL 4.5U 480 with a mixing formula constant of 7.8 - would be the same as applies in High Density Mixed Commercial-Residential Areas throughout the City.

With respect to the Spadina Sub-centre block, my proposal was to change the Official Plan and Zoning designations to correspond to the designations applying to the block immediately across Spadina Avneue (Spadina Sub-centre High Density Mixed Commercial-Residential Area C on Map C of the proposed Part II Plan) which permit a maximum non-residential density of 3.5 x, with the typical .3x street-related retail requirement, and a mixing formula constant of 7.8. The result would be the conversion of 4.3 x non-residential density (approximately 351,000 square feet) to 430 units per hectare (172 units per acre) of residential development potential (approximately 323 units).

Again, CN and Marathon, while opposing these proposals verbally, have neither formally rejected them nor formally put forward an alternative for increasing the amount of housing in the Railway Lands, with or without a corresponding decrease in the non-residential potential.

Notwithstanding CN's and Marathon's disagreement, I believe my proposals have merit and respond to concerns raised by Council members and the public. I am therefore recommending the revisions to the proposed Part II Plan and Zoning By-law required to implement these conversions. However, I have marked these revisions with an asterisk in Appendix 3 in order to alert Council to the fact that they have not been agreed to by CN and Marathon. Council should take this lack of agreement into account when acting on my recommendations.

2.1.3 Early Implementation of the Central Park, the Simcoe Street Extension and The Esplanade West Between John Street and the Simcoe Street Extension

A number of possible ways in which to achieve implementation of the Central Park and the development of a significant component of the Railway Lands street system at an earlier date than anticipated in my March 25th Part II Implementation Strategy report were discussed with Marathon. Such early implementation would represent a substantial public benefit in that it would

ensure that the Central Park, the streets around it and the corresponding connections to Harbourfront would be developed at an early stage, notwithstanding the pace of development of Marathon's lands.

The proposals for achieving this benefit which I presented to Marathon included suggestions that Marathon should, on the assumption that the stadium proposal goes ahead, expedite the construction of the Simcoe Street extension and The Esplanade West between John Street and the Simcoe Street extension. I also raised once more the outstanding matter of Marathon's contribution to the Central Park, as set out in Schedule A of the Memorandum of Conditions, which has yet to be resolved.

While Marathon has agreed, subject to the conditions set out in Clause 4.4(e) of the Memorandum of Conditions, to attempt to bring forward within 48 months its first precinct including the Central Park and surrounding streets, Marathon has consistently objected to making the financial contribution to the development of the park which is set out in Item 15 of Schedule A to the Memorandum of Conditions.

Notwithstanding the lack of agreement on the cost sharing of the park, the implementation of such a major element of the Part II Plan at as early a date as possible is an important public objective, particularly if the proposed stadium is to open within the next few years. I have, therefore, included provisions in the Memorandum of Conditions respecting the creation of the park: 4.4(a)(i) and (iii) and Item 15 on Schedule A.

Since Marathon has not agreed to the cost sharing, I have marked Item 15 on Schedule A and Clause 4.4(a)(ii), which sets out the proposed phasing of this park contingent on cost sharing with asterisks in the copy of the recommended Memorandum of Conditions in my accompanying report. Council should take this lack of agreement into account acting on the recommendations of that report.

2.1.4 Implementation of the Proposed CP Roundhouse Museum

The renovation and conversion of the historic CP Roundhouse to a railway heritage and/or transportation museum has been identified as an important City objective, and policies stating this objective are included in Sections 6 and 7 of the proposed Part II Plan. Thus far, however, Council has not recommended or requested that Marathon or CN make direct financial contributions to the realization of this objective.

In March, 1984, Barton-Myers and Associates submitted a report, commissioned by the Railway Heritage Committee, on the feasibility

of converting the CP Roundhouse into a Railway Interpretive Centre. This report included estimates of costs for immediate remedial works; complete stabilization of the existing building, adaptive reuse of the stablized roundhouse, and the enclosure of the rotunda turntable

I proposed to both CN and Marathon that they contribute some level of financial support to the creation of the museum by covering part or all of the costs identified in the Barton-Myers report and/or by establishing an endowment to start the operation of the museum.

Neither CN nor Marathon was willing to respond formally to this proposal on any level. However, in view of the importance of this objective to the City, and the significant degree to which the proposed reuse of the roundhouse will enhance Railway Lands development, I have included a provision in the recommended Memorandum of Conditions that, as part of the staged development of Central Park, Marathon will stabilize the roundhouse as described in the Barton-Myers report, prior to turning it over to the City. (See Section 4.4(a) (ii) and Schedule F of the recommended Memorandum of Conditions.)

Because Marathon has not agreed to this provision, I have marked this clause of the Memorandum of Conditions with an asterisk. In acting on the recommendations in my accompanying report, Council should be aware of Marathon's disagreement with the relevant clause of the Memorandum of Conditions.

2.1.5 Increased Railway Contribution to, and Early Implementation of, Housing on Sites to Be Conveyed to the City

Section 4.4(a) of the proposed Part II Plan included in my July 8th Final Report states that Council will secure approximately 2.6 acres of land for housing purposes in South Downtown High Density Mixed Commercial-Residential Area A (east of Simcoe Street Extension and north of Lake Shore Boulevard) and land for 1,100 dwelling units at an average density of 100 units per acre east and west of Spadina Avenue in the portion of the Railway Lands located west of John Street. As discussed in Section 4 of this report, I am recommending that Section 4.4(b) in the Final Report be revised to state, simply, that Council will secure 11 acres of land for housing purposes in the Bathurst-Spadina Neighbourhood.

As noted in my March 25th Implementation Strategy report, the agreement to date has been that the City will contribute its fair share - pro rata - to the infrastructure and improvement costs required to develop this housing land.

In addition, both CN and Marathon to date have insisted that any non-residential development potential associated with these lands remain with them.

In other words, to date, neither Marathon nor CN has agreed to contribute to the actual development of the housing sites they are to provide to the City. The Commissioner of Housing has noted on a number of occassions that since there is virtually no public funding available, the securing of unserviced land alone raises doubt as to when housing for low-to-moderate income families will be actually developed in the Railway Lands.

In Council's adoption of Motion No. 2, I proposed a number of ways in which CN and Marathon could contribute to the early development of the housing sites to be provided to the City. These proposals included the servicing of the sites by Marathon and CN.

In addition, the Commissioner of Housing indicated his desire to retain the commercial development associated with these sites in order to permit joint ventures to obtain housing, and/or to be free to sell some portion of the housing sites at market value to finance the construction of housing on the remaining sites. The Commissioner of Housing has also proposed that the entire Bathurst-Spadina Neighbourhood be cleared of all trackage, serviced and turned over to the City for development in the manner of the St. Lawrence Neighbourhood. These ideas were also discussed with Marathon and CN.

Although neither company agreed to any of my proposals or to the suggestions of the Commissioner of Housing, the actual construction of housing on the land to be provided to the City remains an important objective. Consequently, I have included a number of provisions intended to facilitate the early development of such housing in Section 6 of the Memorandum of Conditions set out in my accompanying report.

Among these provisions are the following:

- the identification of the specific lands to be provided (Schedule E of the Memorandum of Conditions) to the City for housing purposes and of procedures respecting the timing and conditions of the conveyances;

- the responsibility for the developer's share of infrastructure costs to rest with CN and Marathon (See Schedule A, footnote No. 2);

- the ability by the City to use the lands for any purpose permitted by their zoning (including non-residential uses),

notwithstanding that the transfer of the lands is for housing primarily for low-to-moderate income households; and

- the co-operation of CN and Marathon in the joint planning and servicing of the sites in the context of surrounding sites to be developed by CN or Marathon.

Clause 6.B of the Memorandum of Conditions and Footnote No. 2 of Schedule A of the Memorandum of Conditions not agreed to by CN. I have marked these with asterisks in my accompanying report. CN is also reserving judgement on the final resolution of various other provisions in Section 6 pending the resolution of this matter. This lack of agreement should be taken into account by Council when it acts on the recommendations of that report.

2.1.6 Future of the CN Belt Line

The future of the CN Belt Line lands and CN's development proposals for portions of these lands have been linked by some Council members and citizens to the approval of the Railway Lands. Although this issue was discussed at some length with CN in response to Council's second motion, I feel that the future use of these lands, including the possibility that they be conveyed to the City in accordance with long-standing City policy, is a separate issue, and should be dealt with in a different context. CN has agreed, however, not to press its current development proposals, but rather to work with Council members and City staff to achieve a satisfactory resolution of this issue.

2.1.7 Use of Some Portion of the Stadium Building for Public Exhibition Space

As emphasized in previous reports and in policy statements in the proposed Part II Plan, an important objective for the Railway Lands is that the proposed stadium be developed as a truly urban facility in the planned context of other urban buildings and open spaces. In order to realize this objective, it is important that the stadium not be simply a structure, but that it be designed as a building containing a variety of uses. Among the uses appropriate to this important public facility is public exhibition space, such as a civic museum. Such a facility would be a valuable asset to the City and would enhance the stadium as a significant public resource.

In response to my suggestion that it ensure that such public exhibition is made available in the stadium building, CN referred to the important role to be played by the Ontario Stadium Corporation in the development and operation of the stadium. Nevertheless, CN did not formally object to the inclusion of a policy stating this objective in the Part II Plan.

Such a statement has been added to Section 10.4.1(c)(i) of the Part II Plan. This statement has been marked with an asterisk in Appendix 2 because CN has not formally agreed to it.

2.1.8 Provision of Art in the Railway Lands

As evidenced by the recent report entitled Cultural Capital: The Care and feeding of Toronto's Artistic Assets, there is increasing interest in the inclusion of works of art and cultural facilities in new developments in the City. There is also a growing concensus that developers should contribute to the provision of such works and facilities. Consequently, I discussed possible contributions by CN and Marathon to the inclusion of such elements in their developments.

Rather than recommending a specific financial contribution or development levy, however, I have simply recommended that a policy be added to the Part II Plan calling for a strategy document dealing with these matters, and that provisions be added to Section 11 to ensure that this strategy is complied with at the precinct level.

Although CN and Marathon have not formally objected to these additions to the Part II, they have not formally agreed. Consequently, I have marked the revisions with an asterisk in Appendix 2 to this report.

2.1.9 Summary of Response to Motion No. 2

As indicated by the preceding discussion, I have made a concerted effort to negotiate changes to the proposed Part II Plan and Zoning By-law and to incorporate these changes in the appropriate provisions of the Official Plan, Zoning By-law and Memorandum of Conditions. I have not, however, obtained the agreement of CN and Marathon to any of these changes.

Nevertheless, I have introduced amendments to the relevant provisions of the above noted documents on the assumption that Council may approve them and may, in turn, be able to secure CN and Marathon's agreement to certain or all of these changes. These recommended amendments or changes are set out in Appendix 2 and 3 to this report and are included in the Memorandum of Conditions attached to my accompanying report. In all instances, these revisions and provisions have been asterisked to indicate that they have not been agreed to by CN and Marathon. If approved by Council, and if Council can secure agreement to certain or all of these changes, these revisions and provisions would enhance the proposals for the Railway Lands.

Notwithstanding this lack of agreement, I do not feel these changes and provisions constitute an onerous burden for CN and Marathon. Moreover, if approved by Council, they would enhance the proposals for the Railway Lands without altering them in any fundamental way.

2.2 Railway Relocation Costs and Value of the Proposed Zoning

Motion 3(b) requests that I report on "what costs the Railways have incurred to date and will likely face to re-locate their facilities from the rail yards," and motion 3(d) requests that I report on "the value of this rezoning to the developer."

2.2.1 Relocation Costs

CN submitted an estimate in September, 1982 of the costs to that company of track relocation ($123 million). Escalated for 5% inflation per year, that figure today would be $142 million. Although Marathon Realty has not submitted a formal statement of its costs, officials of that company have indicated that approximately $100 million is likely to be necessary for rail relocation.

In addition to these costs, the railway companies will incur costs for infrastructure such as roads, sewers and park improvements of approximately $60 million. Unlike rail relocation costs, which are incurred on an "up-front" basis, these infrastructure costs are likely to be spread over 20 years. Accordingly, they should be discounted to a present value basis and would amount to $32 million on this basis discounted at 5%.

Moreover, there is a substantial likelihood of the Railway Lands being reassessed for property tax purposes following adoption of the Part II Plan and discontinuation of the railway use of lands outside the rail corridor. This reassessment could increase property taxes on the raw land held by the railway companies by as much as $9 million per year (from approximately $2 million annually at present, to $11 million annually), prior to any development.

These additional property taxes paid on land prior to development should be regarded as a cost associated with site preparation over and above the estimates of track relocation costs and infrastructure costs cited above. Capitalized on a present value basis and assuming incremental development over 20 years, these additional taxes could amount to a cost of $80 million, again using a 5% discount factor.

Totalling all of the above costs, a sum of $354 million is obtained. This is equivalent to approximately $63 per square foot

of land currently held by the railways. (The two railways together hold approximately 130 undeveloped acres in the Railway Lands.)

2.2.2 Value of the Rezoning

In most cases, the impact on land value of development rights gained via rezoning is a relatively straightforward matter to determine. Estimates of land value per square foot (metre) of permitted gross floor area are obtained, based on observed market sales relevant to the vicinity and the uses in question. Such estimates are then used to value the subject lands both before and after the rezoning under consideration, in order to determine the land value added or lost via rezoning.

In cases where development must be deferred -- either due to market considerations or due to difficulties in preparation of the site -- a time discount factor is introduced. This factor accounts for the likelihood that -- other things being equal -- a deferred development opportunity is less valuable than an immediate development opportunity. This is because, in the case of the deferred opportunity, carrying costs and opportunity costs of equity must be incurred over a longer time period, prior to realization of any income, than would be the case were development to commence in the present.

When these considerations are applied to valuation of the Railway Lands, it is apparent that certain unusual problems must be taken into account.

(a) The first problem arises with respect to existing zoning. The Railway Lands today have C3 and C2 zoning, permitting upwards of 3.7 million square metres (40 million square feet) gross floor area on the portion of the Lands held by the railways, with office uses excluded. That is, the present zoning permits slightly over 7 times non-office commercial density over the entire 130 acres (53 hectares) held by the railway companies, whereas the zoning proposed under the Part II Plan permits the landowner the equivalent of only about 2.8 times density over this same area -- .5 of which constitutes residential development rights, .5 of which constitutes non-office commercial development rights, and 1.8 of which constitutes office development rights. The value of the proposed rezoning arises, therefore, from qualitatively more valuable commercial (i.e., including office) development rights and residential development rights being traded off against the loss of quantitatively greater levels of existing non-office commercial development rights.

(b) A second problem is that both the development rights associated with existing zoning and the development rights associated with the proposed Part II zoning should be valued subject to a time discount, due to the time necessary for preparing the site, and also due to the period required for market absorption of the substantial development levels involved.

This is most obviously true in the case of development under existing zoning, where a limited non-office commercial market must be compared with the very extensive zoned potential. However, a discount should be applied in the case of the proposed zoning as well, in view of the anticipated 20 year development period anticipated under that plan.

The appropriate magnitude of these time discounts is unknown, as relevant market data applicable to such extended time periods, with their associated risks, are non-existent. It is reasonable to assume that the present value of development rights will be higher under the proposed zoning than under existing zoning -- otherwise the railway companies would prefer retention of the latter -- but the quantitative difference cannot be determined.

Aside from the time discount factor (discussed above), the use of a Holding Symbol in the Zoning By-law necessitates a further discount factor for valuation under the proposed zoning, due to the possibility that the release of some portion of the development rights may be further delayed. Again, there are no market data on which to base an estimate of this further discount factor.

From the above, it follows that it is difficult both to determine the value of the proposed rezoning to the railway companies -- based on the difference between current value and value under the proposed Part II Plan -- and also to determine the absolute value of development rights as proposed in the Part II Plan. It is the latter figure which, if available, would be compared with costs of preparing the site in order to determine the potential profitability of development under the Part II Plan. However, the uncertainty associated with the time discount factor makes the absolute value of development rights impossible to determine.

Some perspective on the value of development rights available under the proposed zoning might be gained by valuing these rights under the extreme -- in fact, impossible -- assumption that all development potential under the zoning is immediately developable and marketable. This would provide a figure which must substantially exceed the true figure.

An average value for immediately usable commercial-office development rights in the vicinity of downtown might today be $50 per square foot of gross floor area ($538 per square metre). The level would be higher than that as one moves eastward into the Financial District, lower than that moving westward toward Spadina Avenue. However, as an overall average for lands near the Railway Lands, it might be an appropriate figure to use. Based on the level of commercial development rights available to the railways, which, as noted above, is equivalent to about 2.3 times their land area, the $50 per square foot of gross floor area figure corresponds to $115 per square foot of land value. But, as already noted, the true market value of the development rights must be substantially below that, since these rights will only be utilized over approximately 20 years and must be subject to time discount.

(A value has not been assigned to residential development rights in the above calculation, due to lack of market data on what residential development would be worth in the Railway Lands. While residential development is occurring in Harbourfront south of the Gardiner Expressway, it is not clear that market conditions would be similar on the north side of the expressway in the Railway Lands. Similary lack of relevant market data preclude valuation of the stadium development rights.)

Since rights obtained under the plan must be substantially under $115 per square foot of land to the railway companies, the difference between the value of development rights and site preparation costs (estimated in Section 2.2.1 above as approximately $63 per square foot of land) does not provide a substantial margin to accommodate adverse circumstances, such as, for example, an unanticipated reduction of market demand after a major part of the $354 million in site preparation costs had already been incurred. The risks associated with the proposed development of the Railway Lands are unprecedented so far as property development in this country is concerned, due to the front-end costs which must be incurred prior to realization of income. The magnitude of potential returns on investment does not appear large in relation to these risks.

2.3 Status of Parts of the Railway Lands Not Currently Being Used for Railway Purposes

Motion 3(c) requested that I report on "the status of those parts of the Railway Lands not currently being used for railway purposes and whether or not the City can interfere in the process for declaring the Railway Lands surplus." The City's Special Counsel for the Railway Lands has provided the following response to this request.

"We have been informed that both CN and CP currently are using most, if not all, of the Railway Lands for railway purposes, although that use varies in intensity. We do not believe any tracks have been removed. Further, we understand that none of the Lands have been declared surplus.

The procedure which would result in a portion of the Railway Lands falling under municipal control is initiated by the companies themselves declaring their lands surplus; i.e., the Board of Directors of the relevant railway, by resolution, declares lands to be surplus at a Board of Directors' meeting. The surplus lands may then be retained by the railways or sold.

The decision whether to declare lands surplus is, therefore, an internal one to be made by the Board of Directors, and we are not aware of any effective means whereby the City of Toronto could intervene in this internal business decision."

2.4 Transportation Implications With and Without a Stadium

Motion 3(e) requests that I report on "the transportation implications of the Domed Stadium", and Motion 3(f) requests that I report on "the anticipated transportation peak loads and the related modal splits, having regard for the Part II Plan for the Railway Lands (a) with the Domed Stadium, and (b) without the Domed Stadium." The following response deals with both of these motions.

2.4.1 The Stadium in the Context of the Part II Plan

On January 16, 1985 former Ontario Premier Davies announced the decision to locate a new covered stadium and multi-purpose facility west of the CN Tower in the Railway Lands. Following this announcement, the plans for the Railway Lands included in the Railway Lands Part II: Development Concept report were revised in order to accommodate the proposed stadium. Similarly, both my March 18, 1985 report, Railway Lands Part II: Proposals, and my July 8, 1985 Final Report on the Railway Lands Part II Official Plan and Zoning By-law included policies specifically related to the stadium and its integration into the urban context provided by the development of the Railway Lands.

The proposed Railway Lands Part II Plan which is now before your Committee anticipates the development of the stadium, and approval of the Part II Plan is thus a necessary step in the development of the stadium. However, Section 11.12 of the proposed Part II requires that the stadium be dealt with in an application for a

site-plan by-law for the Stadium Precinct. (Precinct A on Map E of the proposed Part II.) An application for such a by-law has been submitted by CN Real Estate and I will be reporting on this application in the near future. The issues discussed in this response to Council's June 21st requests are relevant to my consideration of the stadium application and should be seen in the context of this larger review process which will be reported upon later.

The proposed stadium will have a maximum capacity of around 60,000 seats capable of accommodating baseball and football crowds of up to 55,000 and 58,000 respectively. Other, non-sporting uses to which the multi-purpose stadium will be put are not known in detail at this time. Presumably, such uses would include a variety of trade and public shows, concerts and rallies. Many of these activities could be expected to occur in conjunction with or as an extension of events planned for the Convention Centre. Clearly, the multi-purpose covered stadium will become the new location for many of the major events currently scheduled to take place in the Exhibition Grounds, particularly at Exhibition Stadium.

2.4.2 Locational Context of the Stadium

The principal advantage of the proposed covered stadium location, compared to the present Exhibition Stadium site, is its significantly better access to the regional transit system. It is within comfortable walking distance of the St. Andrew and Union subway stations. Union Station is also the focus of GO-rail services. For these reasons it is expected that the covered stadium will exhibit higher transit use and create less traffic and parking demands. As a deliberate policy to encourage even greater transit use, the supply of parking at the covered stadium must be limited to between 300 to 500 spaces to handle the essential parking needs for VIP's, the handicapped and other necessary vehicles. This parking requirement will be dealt with in my report on the application for a site plan by-law for the Stadium Precinct. Other auto traffic generated by the stadium will have to find parking spaces in existing parking facilities within acceptable walking distance of the stadium. This "shared use" parking strategy is discussed later in detail.

The covered stadium will be serviced by the arterial road and transit system which accommodates the peak hour travel demands of the entire Central Area. The extent to which the capacity of this system is available to meet the needs of the stadium depends upon the degree to which the peak demands of the stadium overlap with those of the Central Area in general. In addition to the existing transportation network, the stadium will be serviced by the new road and transit facilities proposed for the Railway Lands

development concept, though these may not all be in place at the time the stadium opens.

With the full development of the local street network proposed in the Railway Lands Part II Plan, the stadium will be served by a complete network of new streets. Principal road access to the stadium will be by way of the new Esplanade West which is planned to extend through the middle of the Railway Lands, and its connections to the Gardiner/Lakeshore corridor via the John Street and Simcoe Street extensions. The Esplanade West will also connect to the Spadina Avenue bridge which is to be rebuilt and widened in conjunction with the development of the Railway Lands. New connections to the north will be provided by the Peter Street and Simcoe Street extensions as recommended in the Railway Lands Part II Plan. The Esplanade West has a planned width sufficient to accommodate streetcar service and there is a current Metro proposal to introduce LRT Service on Spadina Avenue between Bloor Street and Queens Quay. It is also intended that parking and pick-up facilities for up to 125 charter buses will be provided on the stadium site. All of these matters regarding the phased development of the local transportation infrastructure will be dealt with in detail in my forthcoming report on the by-law application for the stadium.

At issue here is whether the CN Tower location for the covered stadium, with the additional road and transit infrastructure described above, will generate travel demands that can be handled by the Central Area transportation system and whether adequate parking and pedestrian facilities are available to serve the stadium. These concerns are addressed in the following Sections of this report.

In conducting this analysis, City Planning staff have drawn upon the work of two transportation consultant firms. Barton-Aschman Associates Limited have produced a study for the Stadium Corporation of Ontario and the IBI Group have produced material in their capacity as consultants to CN Realty.

However, it should be stressed from the outset that the covered stadium is being developed in a highly urbanized, downtown environment. Given this situation, a deliberate policy of encouraging transit use and limiting autos is being pursued as the fundamental element of an overall strategy to acommodate the transportation needs of the stadium. This basic policy position must be kept in mind when evaluating the discussion that follows.

2.4.3 Transportation Analysis of the Stadium

2.4.3.1 Analysis of Weekday - Evenings and Weekend Travel Demand

Events scheduled for evenings and weekends will generally not overlap with rush-hour commuter traffic in the Central Area.

The largest regular stadium events will be the baseball games during weekday evenings and football games at the weekend. It is estimated that 53 weekday evenings and 26 weekend afternoons will be taken for baseball games, and football games will occupy a further 8 weekend afternoons. Assuming "design" crowds of 35,000 for weekday evening games and 50,000 for weekend games, travel demand estimates for the covered Stadium can be generated as follows:

TABLE 1 - TRAVEL DEMAND ESTIMATES FOR DOMED STADIUM

	Weekday Evening	Weekend
Design Crowd Size	35,000	50,000
Critical hour for loading	6.30 - 7.30 p.m.	N/A
No. by private auto	15,750 (45%)	17,500 (35%)
No. by TTC	8,750 (25%)	15,000 (30%)
No. by GO	7,000 (20%)	10,000 (20%)
No. by Charter Bus	1,750 (5%)	5,000 (10%)
No. walk/taxi/other	1,750 (5%)	2,500 (5%)
No. of Private Autos	5,750 (2.75 persons/car)	5,850 (3.0 persons/car)
No. of Charter Buses	39 (45 persons/bus)	112 (45 persons/bus)

The modal split and vehicle occupancy assumptions used in the above table are similar to those used in the Barton-Aschman and IBI studies. Overall, the figures represent a significantly higher average use of transit than currently experienced at the Exhibition Stadium, reflecting the enhanced transit accessibility of the Railway Lands site. There is some evidence, based on Exhibition Stadium data, that the larger the attendance at sports events the greater the use of transit. For example, at the 1982 Grey Cup, 55% of the 49,5000 crowd in attendance at the Exhibition Stadium were estimated to have come by TTC or GO-transit, as compared to the average 25-30% typically experienced at ball games at the CNE. Consequently, the assumed 60% transit modal split for a 50,000 crowd in Table 1 appears realistic.

Table 1 also indicates that relatively more people are expected to come by car for weekday evening games than at weekends, and that

the number of passengers per car will be fewer for weekday evening games. Consequently, although "design" attendance at weekday evening ball games (35,000) is 30% lower than "design" attendance for major weekend sports events (50,000), the number of autos bringing spectators to the stadium is roughly the same for both situations at around 5,800 cars. Table 1 also provides evidence for the need to supply 125 spaces for chartered buses at major weekend sports events.

The road, transit and parking capacities available have to be assessed against the demands for facilities described in Table 1.

Road and Transit Capacity

In the off-peak there appears to be adequate road capacity to accommodate the stadium demands. Additional off-peak transit services may be required to satisfactorily accommodate evening and week-end sports events and, as currently happens at the Exhibition Stadium, it should prove possible to lay on these special services to the stadium site. One advantage of the Railway Lands site is that GO-rail services could be enhanced on all lines running into Union Station rather than just the Lakeshore line which currently serves the Exhibition Stadium.

The one situation where potential capacity problems could arise is in the case of an early evening weekday double-header ball game. In 1983 there were three such ball games and in 1984 only one, and they all began at 5.30 p.m.. After reviewing the roads situation, it appears that there is adequate capacity in the off-peak direction to handle the additional volumes of traffic expected. However, at certain key intersections turning conflicts may be created by inbound opposing flows to the stadium, though no significant operational problems have been identified. Also, double-header ball games tend to have a wider spread of arrival times which would dilute the effects on evening peak-period commuter traffic.

Inbound trips to an early evening double-header ball game do not pose as great a problem to transit operations, particularly on the subway and GO-rail services where vehicle movements are directionally separated. However, at the Union Station terminal point, increased congestion could be experienced as a result of conflicting movements between outbound commuters and inbound passengers destined for the stadium. The expansion and improvement of Union Station to handle increased passenger volumes and to allow for movements to the south and west, as well as to the north, is currently the subject of a detailed pedestrian study. The study should produce guidelines for the re-design of Union Station to handle these increased demands.

Parking Capacity

Given the objective of promoting transit use, parking at the stadium will be limited to between 300 and 500 spaces to meet essential on-site needs. Other reasons for limiting on-site parking to this level are:

(a) to avoid putting parking all in one place and creating unmanageable peak point discharge loads;

(b) to avoid creating a large parking facility that could be used by commuters during most weekdays when not at capacity use for stadium events;

(c) to make better use of existing parking facilities in the surrounding area through the opportunity for shared use afforded by the different times of peak period demand for work and stadium auto trips, and

(d) urban design considerations relating to land availability and the undesirable barrier effects of a large parking garage.

However, given the projected modal splits assumed in Table 1, parking space will be needed for about 5,800 cars for the design crowds associated with weekday evening and weekend sports events. If a maximum of 500 spaces are provided on the stadium site, 5,300 off-site spaces will have to be available in existing parking facilities within an acceptable walking distance of the stadium.

The definition of an acceptable walking distance is necessarily somewhat subjective. The Barton-Aschman Study assumed a figure of 1 km, though today at Exhibition Stadium people park further away than this, for example, at the Fort York car park which is 1.2 km from the present Exhibition Stadium. Map 1 illustrates these distances for the CNE Stadium. As a compromise, City Planning staff analyzed the parking supply within a straight 1 km radius of the Railway Lands stadium site, as shown on Map 2. In some cases this implies consideration of parking spaces up to 1.2 km away when straight line distances are adjusted to reflect the availability of actual pedestrian routes. Consequently, the City's Study looks at a slightly larger catchment area for available stadium parking than the Barton-Aschman Study.

Within a straight 1 km radius of the stadium site there are currently 16,000 parking spaces (including a small number on-street). Of this total, some spaces must be excluded as being either subject to redevelopment (e.g. the CBC surface lot) or likely to be at capacity at the time required for shared use with stadium events (e.g. parking at the Convention Centre, Roy Thomson Hall and Harbourfront). Excluding these spaces leaves a final

total of approximately 12,500 spaces that offer some potential for shared use.

Survey data indicates that by 5.00 p.m. the average occupancy of parking lots in the stadium area drops to about 55% and falls to 35% by 6.30 p.m., which is the beginning of the parking demand period for a 7.35 p.m. evening ball game. On this basis, it appears reasonable to apply an average availability factor of 50% to the 12,500 parking spaces identified above. This results in an estimate of approximately 6,200 spaces available within reasonable walking distance of the stadium for weekday evening events. With the 500 on-site parking spaces, the total supply would be 6,700 spaces, more than enough to meet the estimated stadium demand of 5,800 spaces. At weekends this estimate of available spaces would be event higher and, consequently, parking would be generally more available for weekend stadium events.

While there may be sufficient spaces for the expected weekend and evening demands, these will be scattered among many parking locations. Consequently, some means of indicating the location of available parking spaces for stadium parkers may be needed. Some type of area-wide sign system could be introduced to direct motorists to the available spaces and a centralized information system established. In Vancouver, for example, a centralized "ticketron" system is employed to enable the pre-payment and reservation of a parking space at the time of the purchase of a stadium ticket. The need for these types of measures should be assessed as a part of a monitoring system that should be established to further review the transportation aspects of the stadium after its initial period of operation.

It is to be expected that for the first few evening and weekend events there will be some initial traffic and parking problems until, through experience, motorists learn where parking is available and how to avoid major congestion points around the stadium.

Finally, there could be weekend and evening traffic problems if major stadium events are scheduled at the same time as other functions in the Convention Centre and Roy Thomson Hall. Under these circumstances, the timing of events in these three neighbouring locations may need to be co-ordinated to reduce peak traffic and parking requirements if problems are found to arise.

From the above analysis it appears that major weekend and evening events at the stadium can be accommodated satisfactorily on the existing and planned road and transit system. Extra off-peak transit services may be needed to serve the stadium and roads could become congested as a result of early evening double-header ball games if any are scheduled. The proposed strategy of

limiting on-site parking to a maximum of 500 spaces appears practicable in relation to evening and weekend events, though a strategy to inform and direct motorists to available shared parking off-site may have to be developed. Also, the scheduling of evening and weekend events at the Convention Centre and Roy Thomson Hall may have to be co-ordinated with the planning of sports and other major events at the stadium in order to minimize adverse traffic and parking impacts.

2.4.3.2 Analysis of Weekday - Daytime Stadium Events, with attention to the impact of multi-use activities

Major weekday afternoon stadium events will be the most difficult to accommodate in transportation terms. These types of event were not looked at in the consultant studies referred to above. However, the concerns are obvious and relate to two factors. The stadium, as proposed, relies on the supply of parking in the surrounding area, but during a typical weekday such parking is used by commuters and only becomes available to other users in significant amounts after 5.00 p.m. The second factor relates to the possibility of a major afternoon event ending during the time of the normal p.m. peak period and discharging patrons onto an already crowded road and transit system.

The major point in response to these concerns is the fact that only a very few such afternoon events are likely to occur each year. These afternoon events may relate to major sports functions or a use associated with the multipurpose character of the stadium.

(a) Sport

In 1984 the Blue Jays played 8 games in weekday afternoons, generally with a starting time of 1.35 p.m. Six of these games were held in April, primarily because of the weather. It is understood a dome would eliminate the need for scheduled afternoon games in April apart from the opening day game. The only other afternoon game held in 1984 that would continue to be held is the Annual Businessman's Special.

(b) Multipurpose use

The Domed Stadium is intended to be designed and available for many uses other than baseball and football games. In terms of maximum transportation loads, sports events will equal or exceed any other such use, but other weekday daytime events at the stadium could impact on rush hour traffic in the Central Area. Details of the numbers or types of other potential uses of the stadium are not known at this point in time. In order to assess the possible transportation impact of these other

stadium uses, representative activities that could use the stadium have been selected and their associated patterns of travel reviewed. There are three main types of non-sport activity namely, trade shows, public shows and other events such as public rallies which could use the stadium.

Metro Toronto hosts over 70 trade shows per year, one of the largest held being the Canadian Farm Show. This attracted 61,000 participants over 4 days in 1984. Trade shows are attended by persons involved in the particular industry and so usually run during weekdays over a typical 10 a.m. - 6:00 p.m. period. Over half those attending come from outside Metro, with many staying more than one day. In the case of the Farm show, daily attendance is about 15,000 and the peak exiting volume is expected to be no more than 4,000 persons per hour. Overall, this volume would not have a significant impact on peak hour flows, either for road or transit services. For example, on the roads this would imply an additional 500 vehicles per hour.

Public shows generally have larger attendance numbers than trade shows, and in 1982 over 50 such shows were held in Toronto, approximately half of which were at the CNE. Traditionally, the largest shows have been the Sportsman's show and the Toronto Boat Show which attract between 200,000 and 300,000 visitors during their 10 to 12 day showing. Typically weekend days have 40% more spectators than weekdays, giving an average weekday attendance of approximately 22,000. The hours of daily operation are usually from 10:00 a.m. to 10:00 p.m. The peak for arrivals occurs from noon to 2:00 p.m., and again from 6:00 - 7:00 p.m. Departures are heaviest in the late evening between 9:00 p.m. and 10:00 p.m. The size and time of the peaks of travel that would result from public shows with these characteristics would not overlap the daily commuter peak periods to any significant degree.

Other uses, such as public rallies, festivals, or community events, such as the C.H.I.N. picnic, are held either in the evenings or weekends and so are unlikely to impact peak hour commuter traffic.

It is concluded that if travel demands generated by sports events can be accommodated, all other uses will be handled without significant problems.

Consequently, it appears that if there are afternoon traffic problems associated with the stadium, they will be restricted to one or two days per year. On these occasions a careful scheduling of start times may serve to minimize the impacts of stadium traffic on afternoon rush hour traffic.

To assess the magnitude of the problem, the 1985 Annual Businessman's Special game at the CNE, with an attendance of approximately 40,000, has been taken as a worst case example.

The Case Example of The Afternoon Ball Game (40,000 crowd)

Parking

The Blue Jay organization estimates that roughly half of the spectators attending the 1985 Businessman's Special game came directly from their place of work. As the stadium site is located within the Central Area and adjacent to the Central Core, it can be expected that most of those who come directly from their place of work would in future walk or take transit. There would be little advantage to use a car to drive a few blocks and then have to locate parking. This is particularly the case for those who have already paid the daily maximum for parking at their usual location. The time and cost advantages to walking or using transit and not using the car are obvious.

On this basis the estimated parking demand for a crowd of 40,000 is between 3500 - 4500 spaces for a weekday afternoon ball game. If it is assumed that weekday afternoon events would have a higher transit modal split, more in line with weekend events, then the demand for parking would be even less.

However, although the parking demand is considerably reduced, the parking available is very limited. A survey of a number of parking garages and lots in the Central Area showed that between 11.30 a.m. - 1.30 p.m. the average occupancy was between 80 -90% of the maximum capacity. Taking an average figure of 15% availability, with the number of spaces previously identified (12,500), some 1900 spaces would be available for a major weekday afternoon event at the stadium. If a maximum of 500 spaces are provided within the stadium complex, there could remain a shortfall of between 1100 - 2100 parking spaces.

However, it should be noted that the 1 km radius which was assumed to define the limits of the area for parking is arbitrary. If it is extended to a straight-line distance of 1200 metres, it increases the supply available for afternoon stadium uses by approximately 750 spaces. Given that parking will be recognized to be tight for major afternoon events, it is not unreasonable to expect motorists to search over this wider radius for a parking space. Further, as the Railway Lands develop, the number of parking spaces will increase, further reducing any shortfall of spaces.

Also for these very occassional major weekday afternoon events, special arrangements could be made to use the parking areas in the

CNE and at Ontario Place, and have a shuttle bus service operate the approximately 2 km distance to the stadium.

In any event, market forces may simply discourage people from bringing their cars to such weekday afternoon events, given the general level of traffic in the downtown. A 7% reduction in the number of autos coming to a stadium event with a crowd of 40,000 would lower parking demands by approximately 1,000 spaces. Such a continuing shift in modal split towards transit appears reasonable for weekday afternoon events in the new stadium, particularly if additional measures are undertaken to promote transit use for these special occasions.

Impact on peak hour commuter volumes

The second concern regarding transportation impacts of weekday afternoon events at the stadium is the potential for adding to existing peak hour traffic volumes. If there were to be a large parking area around the stadium, as currently exists at the CNE stadium, then traffic exiting from an afternoon event at the CN Tower site would certainly cause congestion and delay to the regular commuter traffic. However, because the parking is dispersed over a wide area in existing parking lots, there will be no obvious point of congestion at the stadium although overall peak period traffic in the Central Area would be heavier and more extended than normal.

The more significant impact of a large afternoon event which discharges into the peak period would be on transit services. The two subway stations, St. Andrews and Union Station, would be heavily used. In the evening peak, subway trains at these stations have not yet filled with the large commuter volumes from the Central Core. Thus the impact of large numbers of stadium attendees would be to take up a significant part of the capacity of the subway for a short time period, thereby displacing the regular commuters. These in turn would have to wait for perhaps one or more trains before they could board. As an occurrence that would happen one or two times a year, this situation might be tolerated.

However, there are plans for improving transit services into the downtown including the Spadina LRT, which would provide an alternative route to the subway for some stadium spectators. Using the LRT, transit loadings could be spread and the impact on the subway reduced. In the longer term, the proposed Relief Line (or its equivalent) could provide the additional capacity to completely alleviate any potential crowding problems on the subway.

GO transit services at Union Station would also experience larger flows than normal, but it is understood that additional trains would be available for the crowds leaving a weekday event at the stadium during the afternoon rush period. In the longer term an additional GO-station located at the stadium or Spadina Avenue should be investigated as a means to relieve pressures on Union Station.

2.4.3.3 Pedestrian Issues

Stadium crowds are expected to be cleared within an hour of the conclusion of most major events. Much of the pedestrian flow will be to the north and northeast where the major parking facilities and subway stations are located. The important pedestrian links will be the John Street pedestrian bridge and the Peter Street bridge, together with the proposed pedestrian route along the south side of the Convention Centre and through the CN Express building to Union Station. While the widths of these pedestrian routes will be sufficient to handle the peak flows, the large pedestrian volumes may conflict with vehicular traffic on the adjoining streets. The traffic volumes in the evenings and weekends are not large and normal traffic control plans can be introduced if necessary for the peak half hour of dispersal time. For instance, the Peter Street bridge may be closed to vehicles to allow more pavement space for pedestrians.

For the few weekday afternoon peaks vehicular traffic will be heavy, in contrast to the evening and weekend periods. In this case special pedestrian control measures may be necessary to ensure that the Front Street/John Street and Front Street/York Street intersections are maintained at an acceptable level of service for vehicular traffic. In the longer term when the Esplanade is extended eastwards through the Railway Lands to York Street and the southern access to Union Station is opened, an additional pedestrian route will be available. This could further reduce the flows on Front Street, spread pedestrian volumes and ameliorate potential problems of vehicular/pedestrian conflict.

2.4.3.4 Effect of the Domed Stadium on Peak Period Modal Split

Although almost all of the stadium events relate to travel outside the peak hour, a theoretical "worst case" assessment can be made. Such a situation would arise from a weekday afternoon baseball game ending at the time of the evening rush hour. As noted above, such a circumstance might occur only once or twice a year. Assuming, as before, that half those in attendance at such a game arrive from Central Area workplaces, the additional peak hour trips arising from the stadium that would add to an afternoon peak period can be estimated as in Table 2 below:

TABLE 2

Peak Hour Person Trips from the Central Area

Mode	1983 est.	% by mode	Domed Stadium	% by mode	TOTAL	% by mode
auto	44,500	33.1	9,000	45	53,500	34.8
TTC	76,300	57.0	5,000	25	81,300	52.9
GO	10,200	7.6	4,000	20	14,200	9.2
other	2,800	2.1	2,000	10	4,800	3.1
TOTAL	133,800		20,000		153,800	

From the assessment of the impact of stadium traffic on the Central Area as a whole, given in Table 2, total auto use increases by about 1.5%. In terms of actual autos, the effect is proportionately less because of the more than doubled car occupancy rate expected for stadium spectators. Consequently, the modal split impacts are not considered to be significant, as the estimated changes are small even in the worst case situation and such circumstances are unlikely to occur more than once or twice a year.

2.4.4 Conclusions of Transportation Analysis

The transportation impacts of the stadium have been reviewed for events held at three time periods: (a) weekday afternoon; (b) evenings; and (c) weekend. Major sports events will place the greatest strains upon the transportation system. The traffic impacts of other multi-purpose activities to which the stadium could be put, such as trade shows, public shows, rallies and concerts, are not expected to pose major problems.

Concentrating on sporting events, there are potentially two situations which could give rise to significant transportation problems: an early evening double-header ball game and a weekday afternoon ball game. Both these type of events could overlap with afternoon rush hour traffic and, for weekday afternoon ball games, parking may be difficult to find. However, weekday double-header and afternoon ball games are currently only scheduled on a few days of the year and, with the new stadium, the total number of such events could be reduced to two or three a year.

For the great majority of sports events which occur in off-peak periods at weekends and evenings, there is sufficient road and transit capacity to meet the expected levels of demand. Furthermore, the policy of limiting on-site parking at the stadium appears both practicable and desirable. Limiting parking will encourage greater use of transit and contribute to the successful

accommodation of the stadium in the highly urbanized environment of the Railway Lands development.

It should be noted that this report is not written in response to the CN Real Estate application for a site-plan by-law for the Stadium Precinct and, consequently, such matters as a road phasing plan and parking and loading requirements, are not dealt with in detail at this time. My forthcoming report on the site-plan by-law application will deal with these and other non-transportation related items in a comprehensive manner. However, in reviewing the general transportation implications of the stadium, the following have been identified as important matters for further consideration:

(a) The reduction to a minimum of the number of major afternoon weekday sports events scheduled at the stadium and the scheduling of the start times of such events to minimize transportation impacts on the evening rush period.

(b) Develop a marketing and public relations programme to stress the benefits of using transit for major stadium events.

(c) Investigate possible means by which to facilitate the effective use by stadium patrons of available off-site parking facilities.

(d) Investigate the opportunities for improvements to the St. Andrews and Union Subway Stations in relation to peak stadium demands.

(e) Encourage the early establishment of a pedestrian route along the south side of the Convention Centre to link into Union Station as recommended in the Railway Lands Part II Plan.

(f) Investigate the feasibility of incorporating a GO-Transit station at the stadium, or alternatively at Spadina Avenue, for use at times of major stadium events.

(g) Limitation of on-site parking at the stadium to between 300 to 500 spaces and the provision of facilities to handle a minimum of 125 charter buses.

(h) The rebuilding of the Spadina Avenue bridge at the time of the construction of the stadium and the building of the Esplanade West between the Spadina Bridge and the Simcoe Street extension.

(i) The establishment of a specific transportation monitoring programme involving the City, Metro and the TTC to review the transportation impacts of the stadium's first year of

operation and to determine any operational improvements that may be considered necessary.

2.5 Legal Authority for Transfer of Railway Lands Beneficial Rights to the Railway Development Company

Motion 5 requests the City Solicitor to report on "what legal authority allows the beneficial rights for the Railway Lands to be transferred to the railway development companies and whether this authority is indesputable." The City's Special Counsel for the Railway Lands has provided me with the following response to this request.

CN Lands

CN Real Estate is not a separate development company, but is rather an administrative division of the Canadian National Railway Company (CN), a federal corporation established by federal statute. In the case of lands owned by CN, there has not been any transfer of beneficial rights to a railway development company. Rather, the owner of the lands, CN Railway, through one of its administrative divisions, CN Real Estate, is involved in discussions with the City in order to determine what alternative use can be made of its lands should operation of the railway cease.

Under its Special Act, CN enjoys the right to develop its lands throughout Canada and we believe it has done so on a regular basis.

It is my opinion that the authority of CN to deal with its own lands in this way is legal, and we have no reason to doubt the ability of CN to deal with its surplus lands.

CP - Marathon Lands

The situation with respect to the CP or Marathon lands is more complex. East of the CN Tower, most of the land has been leased to Canadian Pacific Railway Company (CP). That lease from the Toronto Harbour Commissioners is for a fifty year period commencing in 1948, with covenants contained in the lease permitting renewals in perpetuity.

In 1974, CP entered into leases with Marathon Realty Limited, whereby CP granted Marathon a sub-lease of all of CP's rights in the air space distant 30 feet in the air vertically over all of the lands held by CP. In addition, Marathon also has an agreement with CP

providing that in the event the tracks are removed from the ground, Marathon has the right to acquire the ground rights or remaining interests in the lands held by CP under the perpetually renewable lease with the Toronto Harbour Commissioners.

The Canadian Pacific Railway Company, now known as Canadian Pacific Limited, is a separate corporation operating the railway.

Marathon Realty Limited is a wholly owned subsidiary of CP Investments Limited, a capital corporation listed on the Toronto Stock Exchange. The majority of the shares are owned by CP and the minority widely held by the public.

What complicates the matter is that Marathon was at one time not a separate development company but an internal division of CP. In fact, an appeal is now reserved by the Supreme Court of Canada in which certain minority shareholders and debenture holders of the Ontario and Quebec Railway (O. & Q.) are seeking to establish rights against transfers of lands from CP to Marathon. (The majority of the shares of O. & Q. are owned by CP.) The holders of the debentures state that the title to land Marathon receives from CP is subject to their debenture.

However, at this point, City Council is involved in the planning of the Railway Lands, an activity which is carried out under the Planning Act and which does not affect the issue of ownership.

Later, to implement the Plan, certain land exchanges with Marathon are contemplated. Before such exchanges are completed, the City Solicitor will have to be satisfied that any clouds on title have been removed before any title or lease is accepted or some other alternative arrangement is reached. In the meantime, there is nothing to prevent Council from continuing to process a plan for the Railway Lands on the understanding that Marathon, the apparent holder of the Lands, will have to resolve any issue of title in the future.

3. Revisions to Part II Plan

Appendix 2 of this report contains a table of revisions recommended to the Part II Plan included in Schedule A in Appendix 1 of my July 8th Final Report, as amended by my July 22nd Supplementary Report. These revisions, which are briefly explained in Appendix 2, fall into three categories:

(a) technicial corrections and wording changes for clarification only;

(b) substantive changes which result from further consideration of matters dealt with in my July 8th Final Report and which I would have recommended in any event, even if Motion No. 2 had not been adopted; and

(c) the substantive changes discussed in Section 2.1 to this report and with which CN and Marathon do not agree.

The technical corrections and wording changes in category (a) are essentially self-explanatory and require no discussion. The substantive changes in category (c) have been discussed in Section 2.1 above, and are indicated with an asterisk (*) in Appendix 2. This leaves only the substantive changes in category (c), which are as follows:

3.1 Street-related Retail Requirement for Mixed Use Areas with Low Non-residential Densities

Section 3.3(b) of the Part II Plan included in Schedule A in Appendix 1 of my July 8th Final Report requires that the Part II Official Plan policies respecting street-related retail and service uses be applied to, among other areas, all High Density Mixed Commercial-Residential Areas and all lots in the Bathurst-Spadina Neighbourhood which front onto Bathurst Street. Among the High Density Mixed Commercial-Residential Areas is South Downtown High Density Mixed Commercial-Residential Area A, in which the maximum permitted non-residential density is 0.5. The designation on the lots fronting on Bathurst Street in the Bathurst-Spadina Neighbourhood also permits a maximum non-residential density of 0.5x. The street-related retail and service uses requirement is typically 0.3x, which is so close to the 0.5x maximum that the requirement becomes disproportionate in comparison with other areas where it applies.

In addition, it is highly likely, in view of the locations and the residential character of the areas in question, that most of the 0.5x non-residential density will be used for retail and service uses. In view of these considerations, I am recommending that Section 3.3(b) of the Part II Plan be revised so that this Part I policy is not imposed on South Downtown High Density Mixed Commercial-Residential Area A, or in the Bathurst-Spadina Neighbourhood. I have also recommended a related amendment to Section 10.6.2, which deals with the Bathurst-Spadina Neighbourhood. (See the Appendix of my July 22nd Supplementary Report, as well as Appendix 2 to this report for the text of these sections.)

3.2 Provision of Housing Sites on CN Lands West of John Street

Section 4.4(b) of the Part II Plan contained in Schedule A of Appendix 1 of my July 8th Final Report states that Council will secure the provision to the City or the City Non-Profit Housing Corporation of "land, located east and/or west of Spadina Avenue, for housing purposes sufficient to accommodate 1,100 dwelling units at an average density of 100 units per acre in the portion of the Railway Lands west of John Street."

At the time this provision was drafted, it was unclear whether the Housing Department preferred sites east of Spadina, in the High Density areas of the Spadina Sub-centre, as well as, or instead of, sites in the Bathurst-Spadina Neighbourhood, where residential amenities are substantially lower. The Housing Department has now expressed a clear preference for sites in the lower density Bathurst-Spadina Neighbourhood. Consequently, I am recommending that paragraph (b) of Section 4.4 be reworded and simplified to read as follows:

"(b) approximately 11 acres of land for housing purposes in the Bathurst-Spadina Neighbourhood."

A related change is made to Section 4.5. Both revisions are set out in Appendix 2 to this report.

3.3 Reference to Memorandum of Conditions in Sections 11.2 and 11.3 of the Part II Plan

The recommended Memorandum of Conditions which is included and discussed in an accompanying report contains provisions respecting the nature of the legal agreements to be entered into at the precinct level. These provisions, in effect, elaborate requirements set out in the Part II Plan. In view of this fact, applications made pursuant to the Part II Plan to remove the Holding Symbol, or, in the case of the Stadium Precinct (Precinct A), for a site-plan by-law, should also be consistent with the Memorandum of Conditions, and any other related agreements which may be entered into. Consequently, on the advice of the City's Special Counsel, this report recommends that the last paragraphs of Section 11.2 and Section 11.3 be amended to refer to agreements or memoranda between the applicant and the City which elaborate the requirements of the relevant sections of the Part II. The revised sections read as follows (the recommended additions are underlined):

"11.2 Council recognizes the importance to the City, the other levels of government and agencies involved in the servicing of the Railway Lands and the landowners within the Railway Lands of

understanding and defining in this Plan the extent and distribution of the development potential of the Railway Lands in their entirety.

Accordingly, it is Council's intention to enact a by-law consistent with the provisions of this Plan affecting the entirety of the Railway Lands, except for the precinct designated "A" on Map E, which utilizes the holding provisions of Section 35 of The Planning Act, 1983. The zoning by-law enacted pursuant to Section 35 of The Planning Act, 1983 shall define and incorporate a holding symbol which shall be the letter "h" and which shall precede the use and density designations contained in any such by-law. This zoning by-law shall specify the use to which lands, buildings or structures may be put at such time in the future as the Holding Symbol is removed by amendment to the by-law.

The Holding Symbol will be removed from any such by-law on an incremental basis in accordance with the provisions of Section 11.4 through 11.17 inclusive of this Plan, and in accordance with the provisions of any agreements or memoranda between the City and the applicant which elaborate the requirements of Section 11.4 through 11.7, inclusive, of this Plan.

11.3 Council recognizes that the precinct designated "A" on Map E includes an appropriate site for an urban stadium and multi-purpose facility for Metropolitan Toronto, in the context of development for other urban land uses, and it is the policy of Council to encourage the early development of this precinct for these purposes. Accordingly, it is the policy of Council to enact a zoning by-law implementing the provisions of this Plan as they affect that precinct provided that the relevant requirements of Section 11 of this Plan and the provisions of any agreements or memoranda between the City and the applicant which elaborate the relevant requirements of Section 11 of this Plan have been complied with."

3.4 Execution of Precinct Agreements Prior to Enactment of By-laws Removing the Holding Symbol, or, in the Case of Precinct A, Prior to Enactment of Site Plan By-law

Section 11.11 of the Part II Plan sets out the conditions under which Council will enact a by-law, pursuant to Section 35 of The Planning Act, to remove the Holding Symbol from a precinct in the Railway Lands, and Section 11.12 sets out the conditions under which Council will enact a by-law, pursuant to Section 34 of The Planning Act, for the Stadium Precinct (Precinct A). In both instances, the submission of forms of Precinct and Environmental Agreements are required. In order to ensure that the provisions of these agreements are fully secured, I am now recommending, on the advice of the City's Special Counsel, that Sections 11.11 and 11.12 be revised to include the requirement that these required agreements be executed prior to Council's enactment of the by-laws. The wording of these revisions is set out in Appendix 2 to this report.

4 Amendments to Proposed Railway Lands Zoning By-law

Subsequent to the submission of my July 8th Final Report, and pursuant to discussions with City Officials, I am advised that certain technical amendments to the draft by-laws contained in Appendix 2 to my July 8th Final Report are necessary. I have consulted with the City Solicitor, the Commissioners of Buildings and Inspections, Public Works, and the City's Special Counsel for the Railway Lands in the preparation of the necessary revisions.

In addition, I am recommending certain minor substantive amendments, of a technical nature, as the result of further consideration and consultation. These are discussed in Section 4.2 below.

Finally, as discussed in Section 4.3 below, I am proposing two substantive amendments to implement revisions to the Part II Plan discussed in Section 2.1 in relation to Motion No. 2 adopted by Council at its meeting of June 17 and 21. CN and Marathon do not agree with these two amendments, and consequently they are marked with an asterisk in Appendix 3.

4.1 Technical Amendments

The amendments summarized in Appendix 3 as "technical changes" are recommended for purposes of clarity. I am also recommending that certain structural features of the proposed by-law be altered so that format of the by-law will be more consistent with the format being developed for the City's Comprehensive Zoning By-law. These changes are identified as "format changes" in Appendix 3. These

technical and format changes are essentially "housekeeping" issues and do not require further discussion.

4.2 Substantive Amendments Due To Further Consideration

As the result of further consideration and consultation, I have identified three more substantive amendments to the proposed zoning by-law which should be approved by your Committee prior to the draft by-law being forwarded to Council for its consideration. (The amendments would be recommended in any event, even if Council had not adopted the motions set out in Appendix 1 to this report.)

4.2.1 Interpretation Provision

Subsection (4) of Section 3 of the proposed by-law contains an interpretation provision respecting the determination of the location of district boundaries and height zones as identified on the maps in the appendices to the proposed by-law. The City Solicitor has advised me that such a clause should not be provided as it would be difficult to determine the boundaries between zones. I had recommended that such a clause be inserted to provide flexibility in determining zoning districts on the basis that detailed surveys of the Railway Lands were not available. I am now in receipt of such information and I am therefore recommending that subsection (4) of Section 3 be deleted.

4.2.2 Street-Related Retail Requirement for 0.5 Zones

The proposed by-law contained in Appendix 2 to my July 8th Final Report provided that in an L0.5 zone street-related retail and service uses be provided in order to obtain the maximum non-residential density entitlement. Upon further consideration of this provision, as discussed in Section 3.1 above, I am of the opinion that the maximum non-residential density entitlement is too low for this provision to operate as intended. The areas that are zoned L0.5 are located in the Bathurst-Spadina Neighbourhood and east of the Simcoe Street extension, north of Lakeshore Boulevard. These areas are intended as primarily housing sites and the nature of non-residential uses would be primarily service and commercial.

4.2.3 Deletion of Special Hotel Provisions in High Density Mixed Use Areas

Section 6 of the proposed by-law contained in Appendix 2 of my July 8th Final Report contains a provision that would be permit a hotel to be constructed up to the mixing formula constant of high density mixed use areas by utilizing the residential density entitlement in conjunction with the non-residential density. However, as explained in Section 4.1 of my March 18, 1985

Proposals report, this permission to use residential potential for hotel potential was to be permitted in the extension to the Financial District only. The draft by-law must therefore be revised to delete references to the U480 and U580 zones.

4.3 Changes Related to Council's Motion No. 2

Two amendments to the Part II Plan, if approved by Council, will necessitate amendments to the proposed by-laws contained in Appendix 2 to my July 8th Final Report. The first change is in relation to the land use policies affecting the lands on the east side of the Simcoe Street extension south of The Esplanade. Map 1 contained in Appendix B to draft by-law No. 2 indicated that the proposed zoning designation for the lands would be h(CR L7.8 U480). Section 10.2.3 of the proposed Part II Plan proposed a maximum office density of 5.7 times the area of the lot. As discussed in Section 2.1 of this report, I am recommending that, with Council's approval, the Part II be amended to designate the site as a high density mixed use area similar to the north downtown area. Accordingly, the zoning designation of h(CR L7.8 U480) should be deleted and replaced with the h(CR L4.5 U480) designation and paragraph 4. of subsection (4) of Section 6 should be deleted.

Lands located on the east side of Spadina Avenue, south of the Rail Corridor are shown on Map 1 in Appendix B to draft by-law No. 2 as being zoned h(CR L7.8). As discussed in Section 2.1 of this report I am proposing that both the east and west sides of Spadina Avenue be designated as Spadina Sub-Centre High Density Mixed Commercial Residential Area C, in which the maximum non-residential density does not exceed 3.5 times the area of the lot and the maximum residential density does not exceed 480 units per hectare. Accordingly, if Council adopts this recommended change to the Part II, the h(CR L7.8) zoning designation should be deleted and replaced with the h(CR L3.5 U480) zoning designation.

As noted above, CN Real Estate and Marathon do not agree with these two revisions, and they have accordingly been shown with an asterisk in Appendix 3 of this report.

Recommendations:

1. That, taking into account that CN Real Estate and Marathon Realty do not agree with those revisions marked with an asterisk, consideration be given to adopting Schedule A of the draft by-law contained in Appendix 1 of the July 8, 1985 report entitled Final Report on the Railway Lands Part II Official Plan and Zoning By-law, as amended by the July 22 report entitled Supplementary Report on Railway Lands Part II Plan, and further amended in Appendix 2 to this report.

2. That, taking into account that CN Real Estate and Marathon Realty do not agree with those revisions marked with an asterisk, consideration be given to adopting the draft by-laws contained in Appendix 2 of the July 8, 1985 report entitled Final Report on the Railway Lands Part II Official Plan and Zoning By-law and as further amended as set out in Appendix 3 to this report.

3. That the recommendation of the July 8, 1985 report entitled Final Report on the Railway Lands Part II Official Plan and Zoning By-law, as amended in accordance with Recommendations 1 and 2 above, be approved.

Stephen G. McLaughlin
Commissioner

EP/NED/SH/GS/SS/PT/TDB:tc

APPENDIX 1

Actions of Council Regarding the
Railway Lands at its Meeting
of June 17 and 21

During its consideration of Clause No. 1 of Land Use Committee Report No. 15, dealing with reports entitled Railway Lands Part II: Proosals (March 18, 1885), Railway Lands Part II: Implementation Strategy (March 25, 1985) and Railway Lands Part II Proposals and Implementation Strategy, Comments on motions placed by members of Council (June 12, 1985), Council took the following action:

1. Amended the Railway Lands Part II Plan to provide that lands being held for development not be permitted to be used for surface parking purposes unless by rezoning, and further by adding a statement providing that, notwithstanding Section 5.20(e) of the Part I Official Plan, the Railway lands shall not be exempt from the provisions of the quinquennial review;

2. Requested the Commissioner of Planning and Development to negotiate a reduction in the non-residential density permitted in the Railway lands by approximately 300,000 square metres, or in the alternative the provision of significant public amenities, for example provision of assisted housing, restoration of the roundhouse as a railway museum, etc.;

3. Requested the Commissioner of Planning and Development to report on

   (a) the desirability of establishing a Task Force to consider alternatives for reducing the barrier effect of the Gardiner Expressway, and on the potential composition and terms of reference of such a Task Force;

   (b) what costs the Railways have incurred to date and will likely face to re-locate their facilities from the rail yards;

   (c) the status of those parts of the Railway lands not currently being used for railway purposes and whether or not the City can intervene in the process for declaring the Railway lands surplus;

   (d) the value of this rezoning to the developer;

   (e) the transportation implications of the Domed Stadium;

(f) the anticipated transportation peak loads and the related modal splits, having regard for the Part II Plan for the Railway lands a) with the Domed Stadium, and b) without the Domed Stadium.

4. Requested the Commissioner of Planning and Development, in consultation with the Commissioner of Housing, to report on

(a) the mechanisms required to ensure the actual construction of assisted housing, rather than merely the acquisition of a landbank, for example, by making the actual development of the assisted housing a condition of lifting the holding designation from private sector sites; and

(b) how Cityhome, through its General Manager and Board of Directors, as the housing development arm of the City, can influence and initiate residential development activity;

5. Requested the City Solicitor to report on what legal authority allows the beneficial rights for the Railway lands to be transferred to the railway development companies and whether this authority is indisputable;

6. Requested the Commissioner of Housing to report on

(a) the conditions that Cityhome and other non-profit developers would require in order to protect maximum flexibility in implementing development approaches, such as the option of private sector joint ventures involving commercial density;

(b) physical problems and constraints influencing development of the assisted housing sites as currently shown on the Plan, and possible ways of overcoming these; and

(c) the most appropriate form of tenure for the holding of assisted housing sites.

7. Requested the Commissioner of Housing, in consultation with the Commissioner of Planning and Development, to report on the proposed densities assigned to assisted housing sites with particular reference to the Simcoe Street parcel, and on the feasibility of phasing residential development so that the Bathurst/Spadina neighbourhood is started as soon as possible.

8. Instructed that the following reports requested by City Council at its meeting held on December 15 and 16, 1983, be expedited:

"That a revised analysis of the City of Toronto's costs and benefits with respect to the Railway Lands Development be included in the Development Concept.

That the Commissioner of City Property, in consultation with the City Solicitor and the Commissioner of Planning and Development, be requested to report on the value of City of Toronto lands in the Railway Lands, including the value of any City of Toronto rights which may be associated with lands not under the City's ownership and on the value of the lands to be acquired by the City."

9. Referred the following motions of Aldermen Kanter and Hope back to the Commissioner of Planning and Development for report to City Council at such time as it considers the Final Report:

Alderman Kanter

"1. That Section 11.7 of the Official Plan Part II Railway Lands be amended as follows:

'(a) Before approving the removal of the holding symbol from lots in any precinct that would permit a total office density greater than 5,800,000 square feet in the Railway Lands, Council shall review the capacity of the transportation system into the Central Area south of Bloor Street. Council shall only remove holding designation if it is satisfied that the capacity of the transportation system, existing and committed, as of the date of such review, is adequate to handle all of the potential transportation needs of office densities on which the holding designation is to be removed;

(b) in reviewing the transportation capacity, Council shall have regard for the effect of residential development constructed in the Railway Lands'.

2. That Section 11.7(a) of the Official Plan, Part II, Railway Lands be amended as follows:

'Development shall proceed only to the extent warranted by the capacity of the existing or definitely committed transportation system (all approvals in place, not just "proposed")'".

Alderman Hope

"1. That Section 11.1 of the Official Plan Part II, Railway Lands be amended by adding a paragraph (f) to state that it is Council's policy that development of the Railway Lands should proceed only to the extent warranted by the capacity of the transportation system servicing the Central Area;

2. That a new section be added to the Official Plan Part II, Railway Plans to state the manner in which Council should take the capacity of the transportation system into account before approving office zoning for lots in a precinct. The policy set forth should:

a) permit office densities on the Railway Lands, including the railway lands west of John Street, up to the 5.8 million square feet permitted by the Part I Official Plan without further review;

b) require that Council review the capacity of the transportation system serving the Central Area south of Bloor Street before approving office development totalling more than 5.8 million square feet in the Railway Lands;

c) provide that, after such review, Council shall approve additional office density only if it is satisfied that the capacity of the transportation system existing and committed as of the date of such review is adequate to handle all of the potential transportation needs arising from office development permitted in the Central Area by the zoning by-law, including the additional office development to be approved;

3. That the Commissioner of Planning and Development be requested to report on alternative methods by which to make approval of office developments exceeding 5.8 million square feet on the Railway Lands subject to the control of Council with opportunities for public input."

APPENDIX 2

Summary of Revisions to Part II Plan

The following table itemizes and briefly explains recommended revisions to the Part II Official Plan contained in Schedule A in Appendix 1 of the July 8, 1985 report entitled Final Report on the Railway Lands Part II Official Plan and Zoning By-Law, as amended by the July 22, 1985 report entitled Supplementary Report on Railway Lands Part II.

Section	Revision	Reason
Map C *	Redesignate Spadina Sub-centre Special Mixed Use Area D as Spadina Sub-centre High Density Mixed Commercial-Residential Area C.	To create a new mixed commercial-residential area in the Spadina Sub-centre from an area previously designated for non-residential uses only. (See discussion in Section 2.1.2 of this report.)
1.3 *	Delete ", and D" after "Spadina Sub-Centre Special Mixed Use Areas A, B, C". Add "and" before B in this same phrase.	Area previously designated Spadina Sub-Centre Special Mixed Use Area D now designated Spadina Sub-centre High Density Mixed Commercial-Residential Area C for reason given above for change to Map C.
2.5	Add "," before "notwithstanding".	Technical correction.
3.1(iv)	Change "Central" to "central"	Technical correction.

3.3(b)	Add "except South Downtown High Density Mixed Commercial-Residential Area A" after the phase "all High Density Mixed Commercial-Residential Areas", and delete the words "lots within the Bathurst-Spadina Medium Density Mixed Commercial Residential Area C which front on Bathurst Street".	The existing Part I Official Plan policy for street-related retail and service uses is not appropriate for areas with such a low non-residential density.
New Section 3.7 *	Add a new Section 3.7 as follows: "3.7 It is the policy of Council that works of art and cultural facilities be provided as part of the redevlopment of the Railway Lands. To this end, a public art and cultural facilities strategy document for the Railway Lands will be developed by the City of Toronto.	New policy regarding the provision of public art in the Railway Lands. (See discussion in Section 2.1.8 of this report.)
4.2	Underline "households".	Technical correction.
4.4(b)	Delete and replace with: "approximately 11 acres of land for housing purposes in the Bathurst-Spadina Neighbourhood."	Housing Department has indicated preference for sites in Bathurst-Spadina Neighbourhood.
4.5	Delete the phrase "located west of Spadina Avenue "at the end of the Section.	See reason for change to 4.4(6) given above.
4.6	Underline "households".	Technical correction.
6.3	Underline "Harbourfront".	Technical correction.

6.4	Replace ":" after "community facility uses" with ".", and include last sentence in preceding paragraph.	Technical correction.
8.2.9	Replace "forpedestrian" with "for pedestrian".	Technical correction.
8.4.3	Delete "new" before "rapid transit corridor" and "for the Railway Lands" at the end of the section.	For clarity.
9.1	Delete "(c)" and "(o)" from the phrase "Sections 11.9(c) and 11.12(o), " and delete "(o)" from the phrase "Section 11.12(o)" in the last paragraph.	For clarity.
	In the last paragraph add "," after "(b) above", and replace "operated" with "generated".	Technical correction.
9.2	Replace "Section 11.8" with "Section 11.9".	Technical correction.
9.4	Delete "," after "Environmental Reports" and after "Environmental Agreements".	Technical correction.
10.1.1(b)	Add "," after "9.0" in the second line.	Technical correction.
10.1.2(b)	Add "," after "8.0 in the second line.	Technical correction.
10.1.3(b)	Add "," after the phrase "exceed 9 times the area of the lot".	Technical correction.

10.1.5	Add "the" before "Station Street right of way" at the end of the Section.	Technical correction.
10.2.2(c)	Delete "," after "residential" in the first line, and after "and" in the next to last line.	Technical correction.
10.2.3 *	Replace paragraph (b) with the following: "(b) buildings containing only non-residential uses, up to a maximum non-residential density of 4.5; or"; and replace the phrase "used for offices, government offices and business offices does not exceed 5.7" with the phrase "does not exceed 4.5".	To create a new mixed commercial-residential area in the South Downtown High Density Mixed Commercial-Residential Area from an area where maximum density was previously permitted to be used for non-residential uses only. (See discussion in Section 2.1.2 of this report.)
10.3.1	Delete "and retail" from the phrase "primarily commercial and retail complex".	For clarity.
10.4.1(c)(i)*	Add after the phrase "an urban building" the words "and, to the extent feasible, includes space for public exhibition uses other than either a stadium use or uses directly accessory to a stadium.	To reflect new objective that a portion of the stadium building should be used for public exhibition uses. (See discussion in Section __ of this report.)
10.4.1(d)(iii)	Replace the word "objectives" with "objective that".	Technical correction.

10.4.4 *	Delete this Section.	Area previously designated Spadina Sub-centre Special Mixed Use Area D is now designated Spadina Sub-centre High Density Mixed Commercial-Residential Area C, for reason given above for change to Map C.
10.6.2 (See July 22, 1985 report entitled Supplementary Report on Railway Lands Part II Plan.)	Replace the words "street-related retail and service uses and community services and facilities with the provisions of sections of this Plan" with the words "non-residential uses, including street-related uses and community services and facilties".	Maximum non-residential densities in Bathurst-Spadina Neighbourhood are too small to warrant street complicance with Part I requirements for street-related retail and service uses.
10.8.1	Replace "." with "," at the end of paragraph (c), and add after paragraph (c) the following words: "provided that no area described in paragraphs (a) through (c) above is included in more than one lot".	For clarity.
10.8.4(d)	Replace ""h"" with "Holding Symbol".	Technical correction.
10.8.4(f) * (See July 22, 1985 report entitled Supplementary Report on Railway Lands Part II Plan	Replace "Spadina Sub-centre Special Mixed Use Areas B, C and D with "Spadina Sub-centre Special Mixed Use Areas B and C".	Area previously designated Spadina Sub-centre Special Mixed Use Area D is now designated Spadina Sub-centre High Density Mixed Commercial-Residential Area C, for reason given above for change to Map C.

10.8.4(g) *	Delete the words "and Spadina Sub-centre Special Mixed Use Area D" from the table included in this paragraph.	Same reason as given above for change to 10.8.4(f).
11.2	Delete "." at the end of this Section and add the following ", and in accordance with the provisions of any agreements or memoranda between the City and the applicant which elaborate the requirements of Section 11.17 inclusive of this Plan."	To ensure that provisions of the Memorandum of Conditions and any other related agreements are respected.
11.3	Add after the phrase "the relevant requirements of Section 11" the following: "of this Plan and the provisions of any agreements or memoranda between the City and the applicant which elaborate the relevant requirements of Section 11 of this Plan."	To ensure that provisions of the Memorandum of Conditions and any other related agreements are respected.
11.7	Delete "," after the word "precinct" in the second line.	Technical correction.
11.7(h)	Add "and Section 6" after the phrase "pursuant to Section 4.4".	Technical correction.
New Section 11.7(o) *	Delete "and" at the end of paragraph (m), and "and" at the end of paragraph (n) and add a new paragraph (o) as follows: "(o) a description of the manner in which the public art and cultural facilities strategy document described	To ensure compliance with new Sections 3.7 regarding public art and cultural facilities. (See discussion in Section 2.1.8 of this Plan.)

	in Section 3.7 of this Plan is to be complied with in the development of the <u>precinct</u>.	
11.8	Reword paragraph (c) to read as follows: "(c) For the avoidance of doubt, as the result of considerations related to massing and conceptual design, a Concept Plan may establish a range of heights for development in the <u>Railway Lands</u>, including heights which may be lower than, but do not exceed, the maximum heights established by the Zoning By-law for the Railway Lands".	For clarity.
11.9(e)	Replace the phrase "Section 11.8(a) and 11.8(b)," with "Sections 11.8 (a), 11.8(b) and 11.8(c),".	Technical correction.
11.11	In paragraph (a), replace "plan" with "Plan", and in paragraph (c) replace "Sections 11.8(a) and (b) with Sections 11.8(s), (b) and (c)".	Technical correction.
11.11	Replace "." with "," at the end of paragraph (e), and add after paragraph (e) the following words: and provided that the agreements referred to in paragraphs (b) and (d) of this Section have been executed by the applicant".	Establishes that execution of the <u>Precinct Agreements</u> and <u>Environmental Agreements</u> is a condition of Council's enactment of a by-law to remove the holding symbol from a precinct, in order to ensure that the provisions of these agreements will be respected in the development of the precinct.

11.12	Add before the phrase "which shall show and contain" the following words: "made pursuant to Section 34 of The Planning Act, 1983".	For clarity.
New Section * 11.12(m)	Reletter paragraphs (n)-(p) as (o)-(q), and add a new paragraph (m) as follows: "(m) a description of the manner in which the public art and cultural facilities strategy document described in Section 3.7 of this Plan is to be complied with in the development of Precinct A.	To ensure compliance with new Section 3.7 regarding public art and cultural facilities. (See discussion in Section 2.1.8 of this report.)
11.12 *	Replace "." with "," at the end of paragraph (q) (formerly paragraph (p) and add after paragraph (q) the following: "(m) a description of the manner in which the public art and cultural facilities strategy document described in Section 3.7 of this Plan is to be complied with in development of Precinct A;".	To ensure compliance with new Section 3.7, regarding public art and cultural facilities. (See discussion in Section 2.1.8 of this report.)
11.12	Replace "." with "," at the end of paragraph (q) formerly paragraph (p)) and add after paragraph (q) the following: "provided that the agreements referred to in paragraphs (o) and (q) of this Section have been executed by the applicant.	Establishes that execution of agreements required for Precinct A is a condition of Council's enactment of a zoning by-law for Precinct A, in order to ensure that the provisions of these agreements are respected in the development of the precinct.

11.16(c)(ii)	Replace "Section" with "Sections".	Technical correction.
11.17	Replace "this Section" with "Section 11 of this Plan".	For clarity.
11.17(a)	Replace "development" with "development".	Technical correction.
13.2 *	Replace "Spadina Sub-centre Special Mixed Use Areas A, B, C and D" with Spadina Sub-centre Special Mixed Use Areas A, B and C".	Spadina Sub-centre Special Mixed Use Area D has been deleted for reason given above for revisions to Map C.

* Revisions resulting from changes discussed in Section 2.1 of this report, but not agreed to by CN Real Estate or Marathon Realty.

APPENDIX 3

Summary of Revisions to Proposed Zoning By-law

The following table itemizes and briefly explains revisions to the draft by-laws contained in Appendix 2 of the July 8th, 1985, report entitled Final Report on the Railway Lands Part II Plan and Zoning By-law. Numbers ("1.", "2.", "3.", etc. refer to the section of the draft by-law. Page numbers refer to pages in the specified section of the draft by-law. (The pages in each section are numbered separately.)

Section	Revision	Reason
Draft By-law No. 1	Insert words "Bill No.".	Technical change.
General Map C.27	Clarify southerly and south-westerly boundary of Railway Lands.	Technical change.
Draft By-law No. 2		
1.	Insert words "Bill No.".	Technical change.
page 3	Definition of cold storage locker plant - insert after word "building" the words "or part of a building".	Technical change.
2. page 3	Definition of commercial bakery - delete period after "permitted" and insert semi-colon.	Technical change.

page 4	Definition of common outdoor space - clause (iv) indent to be consistent with clauses (i), (ii) and (iii) and delete period after "width" and insert semi-colon.	Technical change.
page 4	Definition of community centre - insert after word "building" the words "or part of a building".	Technical change.
page 5	Definition of crisis facility - delete period after word "by-law" and insert semi-colon.	Technical change.
page 5	Definition of custom workshop - insert after word "building" - the words "or part of a building".	Technical change.
page 6	Definition of dressmakers shop - insert after the word "building" the words "or part of a building".	Technical change.
page 7	Definition of dry cleaner's distributing station - insert after the word "building" the words "or part of a building" and delete word "subject" and insert word "subjected".	Technical change.
page 7	Definition of dry-cleaning shop - insert after word "building" the words "or part of a building".	Technical change.
page 7	Definition of dwelling house - underline word "building".	Technical change.

page 7	Definition of eating establishment - insert after word "building" the words "or part of a building".	Technical change.
page 8	Definition of garment factory - insert after word "building" the words "or part of a building".	Technical change.
page 8	Definition of grade - after the words "sidewalk" and "roadway" insert (s).	Technical change.
page 8	Definition of height - underline the words "grade" and "height".	Technical change.
page 9	Definition of hotel delete definition and insert the following: "means a building or part of a building containing a hotel within the meaning of The Hotel Registration of Guests Act, R.S.O. 1970, Chapter 212, but does not include a hostel, a lodging house or tourist or guest home;".	Proposed definition contained in City's General Zoning By-law was not approved, therefore have to revert to old definition.
page 10	Definition of loading space - Type C - underline words "grade" and "lot" in clause (b).	Technical change.
page 10	Definition of lot - delete underlining of words "corner lot" and "flank".	Technical change.

page 12	Definition of non-residential gross floor area - delete word "of" and insert word "or" and delete clauses (b) and (c) and replace with the following: (b) any part of the building below grade which is used for the purpose of storage or accessory uses; and (c) any part of the building or structure above or below grade which is used for the parking of motor vehicles required by the provisions of sub-section (5) of Section 4 or for loading facilities required by the provisions of sub-section (6) of Section 4 provided that such parking or loading facilities, if located above grade, is a minimum of 10.6 metres from any external wall of the building.	Technical change.
page 14	Definition of parking space - insert after the word "is" the following words, "readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle and which is".	Technical change.
page 14	Definition of parking station - delete number "iv" and insert letter "d".	Technical change.
page 16	Definition of playlot - insert after the word "lot" the words "or part of a lot".	Technical change.

page 17	Definition of public art gallery - insert after the word "building" the words "or part of a building".	Technical change.
page 18	Definition of public hospital - delete period after "disorders" and insert semi-colon.	Technical change.
page 19	Definition of retail store - insert after word building" insert the words "or part of a building".	Technical change.
	Definition of Railway Lands - delete word "heavey" and insert word "heavy".	Technical change.

page 20	Definition of residential gross floor area - delete word "and" in paragraph (a) and delete paragraph (b) and insert the following: (b) any part of the building below grade which is used for the purposes of storage or other accessory uses; and (c) any part of the building or structure above or below grade which is used for the parking of motor vehicles required by the provisions of subsection (5) of Section 4 or for loading facilities required by the provisions of sub-section (6) of Section 4 provided that such parking or loading facilities, if located above grade, is located a minimum of 10.6 metres from any external wall of the building.	Technical change.
page 20	Definition of sample or showroom - insert after word "building" the words "or part of a building.	Technical change.
page 21	Definition of single persons housing - delete period after "individuals" and insert semi-colon.	Technical change.
page 21	Definition of spotting and stain removing establishment - insert after the word "building" the words "or part of a building".	Technical change.

page 22	Definition of street-related retail and service uses - delete introductory paragraph and insert the the following: "means in the case of a lot located in a CR district one or more of the shops or stores referred to in subparagraphs (iii) and (iv) of paragraph (b) of subsection (1) of Section 6, and in the case of a lot located in an IC district one or more of the shops or stores referred to sub-paragraph (i) of paragraph (a) of subsection (1) of Section 7 provided that:" and delete paragraph (a) and insert the following: (a) a principle entrance of any such shop or store is located in the exterior wall of the building, is directly accessible by pedestrians and is distant not more than 5 metres from:	Technical change.
page 22	Definition of tailor's shop - insert after the word "building" the words "or part of a building".	Technical change.
	Definition of tavern or public house - delete comma after numbers "211" and insert semi-colon.	Technical change.
3(4)	Delete subsection (4).	The sub-section has been deleted as it would be difficult to implement and interpret.
4(2)(a)	Delete word and letter "paragraph (s)" and delete the sentence following the word "permits".	Technical change.

(d)	Delete semi-colon after word "hereto" and insert period.	Technical change.
4(3)(a)	Insert after the word "lot" the following words "with any portion of the roof of such building".	Technical change.
4(4)(b)	Underline the words "row housing".	Technical change.
5(2)	Delete word "us" and insert word "use", and insert word "and" after word "centre".	Technical change.
(3)	Insert word "none" below subsection heading.	Format change.
(4)	Delete word and number "Part I" and insert number (4).	Format change.
6(1)(a)(i)	Delete the word "or" following "housing" and delete words "in a building containing uses permitted in a CR district" following the word "units".	Technical change.
(1)(a)(ii)	Delete the words "in a building containing uses permitted in a CR district" following the word "rooms".	Technical change.
6(b)(ix)	Delete semi-colon after "theatre" and insert comma, and insert semi-colon after "bakery".	Technical change.
6(2)1.	Delete word "of" and insert word "or".	
4.	Delete letter "a" and insert letter "A".	Technical change.
(3) Part I 3.	Delete number 3.75 and insert number 3.25.	Technical change.

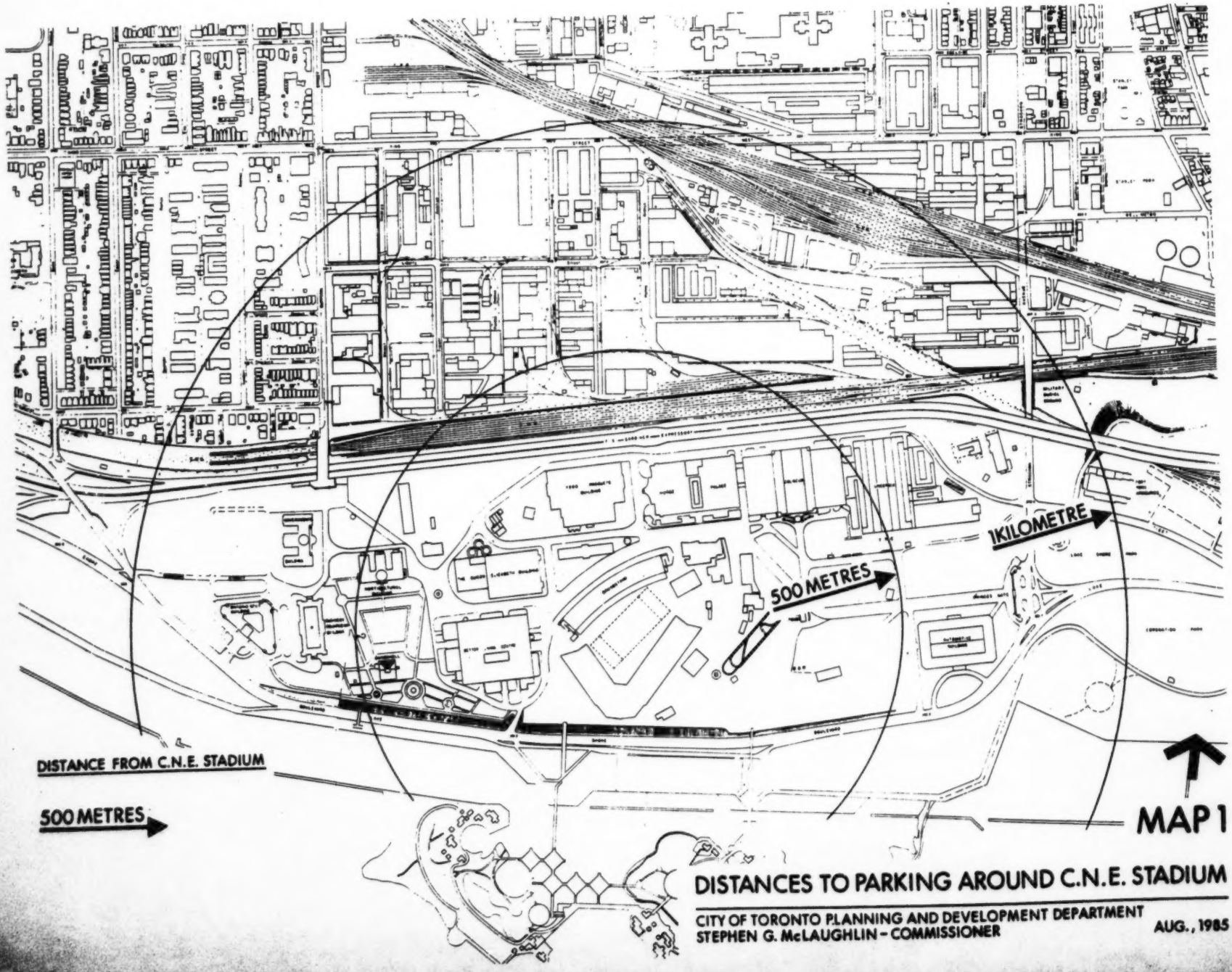
Part I 5.	Delete numbers "(2) and (3)" and insert "2. and 3.".	Technical change.
6.(b)	Delete number ", L7.5 U480".	Technical change.
7.(b)	Delete reference to U480 and U580 zones.	The Proposals report. in Section 4.1 explained that there was not to be a conversion of residential uses to hotels.
8.(a)	Delete reference to L0.5 zone.	The amount of non-residential gross floor area is too small for street-related retail requirement.
(b)	Delete reference to L0.5 zone.	To be consistent with paragraph (a).
Part II 2	Delete number (2) and insert number (1) and delete number "7" and insert number "6".	Technical change.
(4)	Delete word and number "Part IV" and insert number (4).	Format change.
(4)2	Insert periods after 1 and 2.	Technical change.
(4)3	Delete underlining of "in a CR L0.5 U600 which contains offices" and insert word "zone" after letter and number "U600".	Technical change.
*4(4)	Delete paragraph 4 and renumber other paragraphs.	Amendment to Section 10.2.3 of Part II Plan
(4)5	Delete words and numbers "subparagraph (b) of paragraph 7." and insert "paragraphs 1., 2., and 3.	Technical change.

	of Part I" and underline the word "hotel" and insert period after word "offices".	
7(1)(a)(i)	Delete semi-colon after "station" and insert a comma.	Technical change.
(1)(a)(vi)	Underline the words "service" and "market".	Technical change.
(1)(a)(vii)	Delete period after "uses" and insert semi-colon.	Technical change.
(1)(b)(i)	Insert words "a motor vehicle repair shop, class A, a paper products factory" after "textile products factory" and "a wholly enclosed miscellaneous light manufacturing plant" after the words "a wholly enclosed metal wares factory".	Technical change.
(1)(b)(iv)	Insert a new clause (iv) as follows: "any use which is accessory to any of the foregoing uses.".	Technical change.
(2)3.	Delete semi-colon after gardening and insert period.	Technical change.
(2)4.	Insert word "not" after "is".	Technical change.
(3)Part I 4.(b)	Delete comma after word "lot" and insert period	Technical change.
Part II	Delete number (2) and insert number (1) and delete number "7" and insert number "6".	Technical change.
Part III	Delete comma after the word "lesser" and insert period.	Technical change.

8(1)(a)	Insert semi-colon after word "station".	Technical change.
(1)(b)	Delete comma after the word "walkway" and insert period.	Technical change.
(3)	Insert the word "none" below title.	Format change.
(4)	Delete the word and number "Part I" and insert number (4).	Format change.
(4)1.	Delete paragraph and insert the following: "1. Notwithstanding the provisions of subsection (1), the existing railway station, located on the south side of Front Street, between Bay Street and York Street, may be used for one or more of the uses specified in sub-paragraphs (iii), (iv), (v) and (vi) of paragraph (b) of subsection (1) of Section 6 provided that the non-residential gross floor area existing on the date of the passing of this by-law is not increased."	Technical change.
9(1)	Delete the word "on" and insert the word "one".	Technical change.
Appendix A	Clarify southerly and south-westerly boundary of Railway Lands.	Technical change.
Appendix B	Delete reference to h(CR L7.8 U480) on north side of Front Street.	Technical change.
* Appendix B	Replace Map to reflect changes to zoning districts and specify boundaries between zones.	Implements text of by-law.

Appendix C	Clarify boundaries between zoning districts shown in Appendix B.	Technical change.
Appendix D	Clarify boundary of provision.	Technical change.

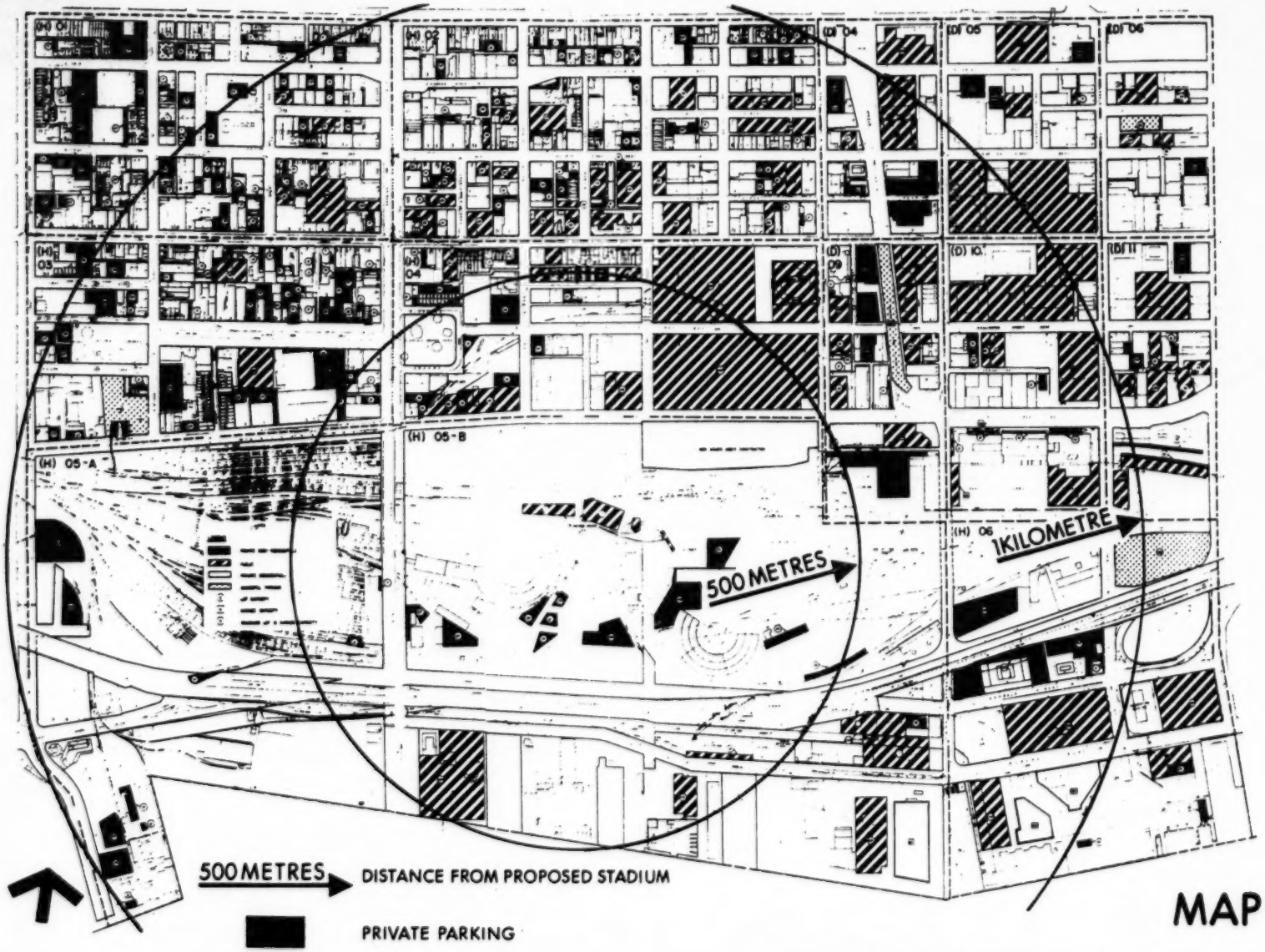
* Items discussed in Section 4.3 of this report but not agreed to by CN Real Estate or Marathon Realty.



DISTANCES TO PARKING AROUND C.N.E. STADIUM

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN - COMMISSIONER

AUG., 1985



MAP 2

OFF STREET PARKING IN VICINITY OF PROPOSED DOMED STADIUM

CITY OF TORONTO PLANNING AND DEVELOPMENT DEPARTMENT
STEPHEN G. McLAUGHLIN - COMMISSIONER AUG., 1985